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Regular Session, 1948

MONDAY, MARCH 15, 1948.

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend O. L. Gilmore, pastor of the First Presbyterian Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	George I. Cline	Carson Hibbitts
Jason Alford	Robert Collins	E. R. Hilton
Roy W. Arnold	Everett T. Cooper	C. J. Holsclaw
Earl F. Ashcraft	Perry M. Cross	Richard R. Houpt
Sidney Baer	Horace T. Cull	Clyde S. Howard
Levi Baker	B. G. Davidson	D. W. Howard
Bernhardt Bauer	Owen Deering	M. G. Howard
C. E. Baumgardner	G. I. Drury	R. N. Hubbard
Fred Beshear	Kermit Dwyer	Ira W. Hulette
Issac M. Blevins	Henry J. Giles	Laban P. Jackson
Chas. J. Bronston	Otto W. Goff	Kerby Jennings
Mrs. M. E. Burnett	Henry C. Hale	Paul S. Jonas
Chas. W. Burnley	N. M. Hamilton	J. Ernest Jones
A. H. Calvert	James P. Hanratty	L. H. Jones
Earl W. Christian	Dennis Henderson	Ercel Kozee

Harry K. Lowman	L. W. Preston	Chas. L. Spillman
W. E. McClure	E. F. Phichard	G. W. Steinfeld
Ed Marcum	Hobart Rayburn	John M. Stumbo
E. H. Martin	Ottis Roberts	Albert Thomason
C. D. Moberly	F. L. Robinson	G. C. Thornton
Archie R. Moore	Lilburn S. Rogers	W. R. Tipton
Davis Moore	Amos Runyan	Wilford S. Travis
Walter Moorman	Glenn Rushing	J. B. Veech
Fred H. Morgan	Mrs. Ruthford	John C. Watts
E. C. Mullins	Dr. K. N. Salyer	Lawrence Watts
Stanley Murphy	D. B. Saylor	Lynn Boyd Wells
Thomas A. Noe, Jr.	LeRoy Saylor	Rodney Whitlow
Joe E. Nunn	James J. Shannon	G. F. Williamson
Harmon S. Overby	Paul E. Shannon	Charles W. Wirsch
H. C. Patterson	Jesse H. Shelton	Mr. Speaker
H. M. Pewitt	Harry Smith	
J. H. Polsgrove	John M. Spaulding	

Dr. Salyer moved that the reading of the Journal of the House of the proceedings of Friday, March 12, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. No. 9. An Act relating to juries.

H. B. No. 65. An Act relating to the common school equalization fund, with particular reference to eligibility of school districts to participate in the fund.

H. B. No. 264. An Act concerning tax bills, how made out and listed for collection; evidence of validity of tax, in cities of the first class.

H. B. No. 265. An Act concerning the annual levy of taxes in by cities of the first class, the disposition of revenues, and the effect of the failure to make such a levy.

H. B. No. 266. An Act relating to assessment returns in cities of the first class.

H. B. No. 267. An Act concerning the Tax Receiver in cities of the first class.

H. B. No. 268. An Act concerning accounts and records kept by the director of finance; duties as to claims against city; countersigning of checks, in cities of the first class.

H. B. No. 269. An Act concerning the receipts, custody and disbursement of city funds; receipts; in cities of the first class.

H. B. No. 270. An Act concerning the accountant in cities of the first class.

H. B. No. 285. An Act relating to soil and water resources, defining additional powers and duties of the Soil and Water Resources Commission and the Division of Soil and Water Resources.

H. B. No. 308. An Act relating to expense of operating motor vehicle used by state officers, employe, or agent.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

Mr. Bronston moved that the privilege of the floor be extended to Mr. J. Porter Land.

Said motion was agreed to.

Mr. Archie R. Moore moved that the privilege of the floor be extended to Mr. and Mrs. M. W. Whitaker, Miss Whitaker and Mr. Whitaker.

Said motion was agreed to.

Mr. Hubbard moved that the privilege of the floor be extended to Mr. and Mrs. Marion Hubbard.

Said motion was agreed to.

Mr. Polsgrove moved that Master Freddy Polsgrove be made an Honorary Page for the Day.

Said motion was agreed to.

Mr. Polsgrove moved that little Miss Sharon Polsgrove be made an Honorary Page for the day.

Said motion was agreed to.

Mr. Preston moved that the privilege of the floor be extended to Mr. James Newberry.

Said motion was agreed to.

Mr. Bronston moved that the privilege of the floor be extended to Mr. Hugh Buckley.

Said motion was agreed to.

Mr. Bronston moved that the privilege of the floor be extended to Mr. Stevne Bonahon.

Said motion was agreed to.

Mr. Bronston moved that the privilege of the floor be extended to Mr. William H. Bronston.

Said motion was agreed to.

Mr. Morgan offered the following resolution, viz.:

H. Res. No. 74. A Resolution urging the Congress of the United States to appropriate the funds necessary for the maintenance by the United States Engineers of all levies, sea-walls

or flood protection walls which have been or may hereafter be erected by the Federal Government or by municipalities for protection against the ravages and damages caused by the rising of the Ohio River and its tributaries.

Whereas, many cities along the Ohio River are often threatened by floods and for a number of such cities there have been erected sea-walls, levees and other flood protection works to serve as protection from the ravages and damages caused by the rising of the Ohio River and its tributaries, the Federal Government assuming the cost of these systems in most instances; and

Whereas, other cities whose safety is endangered for the same reason have plans to construct or have begun the construction of similar facilities; and,

Whereas, the Congress has heretofore made the appropriations necessary for maintaining all flood control works along the Mississippi River, and the same responsibility should be assumed to prevent the inundation of property within cities along the Ohio River; and,

Whereas, municipalities do not have and cannot provide the personnel and facilities required for the proper and efficient maintenance of floodwalls and pumping stations, and especially the divers and other trained personnel whose services are necessary when floods occur;

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Congress of the United States be urged to appropriate sufficient funds for the permanent maintenance of all sea-walls, levees or other flood protection works which have been or may hereafter be constructed by the Federal Government or by municipalities for protection of the properties of the citizens from the damages occasioned by the rising of the Ohio River and its tributaries.

That the United States Senators and Representatives from Kentucky be requested to initiate and to urge the passage of appropriate legislation to impose upon the United States Engineers the entire responsibility for the maintenance of all sea-walls, levees and flood protection walls which have been or may hereafter be constructed by the Federal Government or by municipalities along the Ohio River, including the maintenance of pumping stations and all other necessary facilities.

Said resolution was adopted.

Mrs. Rutherford offered the following resolution, viz.:

H. Res. No. 75. A Resolution to His Excellency, the Governor of the Commonwealth of Kentucky.

Whereas, Section 75 of the Constitution of the Commonwealth of Kentucky regarding the duties of the Governor of the Commonwealth of Kentucky reads as follows:

“He shall be Commander-in-Chief of the Army and Navy of this Commonwealth and of the Militia thereof, but he shall not command personally in the field unless advised to do so by a Resolution of the General Assembly.”

Now, Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That His Excellency, the Governor, shall command personally in the field on the 19th day of March, 1948, said field being the evening meeting of the House of Representatives.

Be it further resolved that we request His Excellency to appear in full military regalia of the Commander-in-Chief of the Army, Navy and Militia of Kentucky.

Said resolution was adopted.

Mr. Prichard offered the following resolution, viz.:

H. Res. No. 76. A Concurrent Resolution relating to the terms and conditions to be contained in contracts for athletic contests between teams representing the University of Kentucky and other institutions of higher learning.

Whereas, the broadcasting by radio to the general public of athletic contests involving teams representing the University of Kentucky and other institutions of higher learning is a matter of great public interest and concern; and

Whereas, the matter of arranging and contracting for such radio broadcasts should be handled on a nondiscriminatory basis and in order to afford ample and complete and full coverage;

Now therefore, be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the University of Kentucky, acting through such officer, board or agency thereof or connected therewith as is charged with the function of arranging and scheduling athletic contests involving teams representing the University, is requested, in entering into any contract or agreement for a football or basketball contest between a team representing the University and a team representing any other institution of higher learning, in this state or elsewhere, to include in such contract or agreement, if possible, a provision that any radio station or facility which has, during the preceding year, broadcast and or offered to broadcast every football and basketball game participated in by a varsity team representing the University of Kentucky, shall have the privilege of broadcasting the contest covered by such contract or agreement; and at the time of entering into such a contract or agreement, the appropriate officials representing the University shall request that such radio station or facility be furnished with a suitable place if possible from which to make such broadcast, and be permitted to install and operate, with necessary personnel, the equipment and facilities required for the purpose.

Said resolution was adopted.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills and resolutions which originated in that body of the following titles, viz.:

S. B. No. 1. An Act making an appropriation for the purpose of recovering and providing for the burial of the bodies of those men who were killed in the Straight Creek Coal Mine disaster on or about December 26, 1945, and whose bodies are now entombed in the mine, and providing means and methods by which recovery of the bodies may be accomplished, and declaring an emergency. This Act shall be known and cited as the Moss-Hibbitts Act.

Said bill is as follows, viz.:

Whereas, as a result of an explosion in the Straight Creek Coal Mine in Bell County, Kentucky, on the 26th day of December, 1945, twenty or more men were killed and their bodies entombed in the mine; and

Whereas, efforts to recover such bodies have been unsuccessful, due to lack of funds and proper equipment on the part of the relatives of the deceased men and other interested persons, and due to the exceptional obstacles that confront such removal efforts, and it appears that recovery may never be accomplished through private efforts; and

Whereas, the fact that the bodies of those revered citizens of Kentucky remain entombed at the scene of that great disaster is a reflection upon the good name and credit of the Commonwealth, and it is in the best interests and welfare of the people of the Commonwealth that public funds and facilities be made available for the removal and suitable burial of such bodies, and particularly because there exist some elements of moral responsibility on the part of the Commonwealth in connection with the disaster;

Now Therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) There is hereby appropriated to the Department of Mines and Minerals, out of any unappropriated funds in the State Treasury as of the effective date hereof, such sum, not to exceed \$100,000.00, as may be required to provide for the removal and suitable burial of the bodies of those men who were killed in the Straight Creek Coal Mine disaster in Bell County, Kentucky, on or about December 26, 1945, and whose bodies remain entombed in the mine.

(2) The Department of Mines and Minerals shall determine the most practical method of removing the bodies from the mine, whether by entering the old mine for that purpose or by driving openings through the coal adjoining or adjacent to the old mine to a point where the old mine can be entered for the purpose of removing the bodies, and the department in selecting the most practical method shall consider the safety of the men employed in said work. If the department selects the method of driving openings through the coal adjoining and adjacent to the old mine, it shall enter into such contracts, with the owner or owners of the surface and mineral rights adjoining and adjacent to the old mine, as are necessary to obtain the easements, rights of way or other property interests required for the purpose, including the right to haul or remove over or through said tracts, coal produced from other tracts. Such contract or contracts shall designate the number and location of openings to be driven, and shall provide that the title to any coal produced in the operation shall be vested in the Commonwealth. Such contract or contracts shall further provide that upon completion of the work as contemplated herein, the department shall have the right to remove all equipment, tools and facilities placed therein or thereon, and the contracts shall then be terminated and the Commonwealth of Kentucky be released from any and all future liability thereunder.

(3) The Department of Mines and Minerals shall have the power and authority to acquire by lease, purchase or otherwise, such tools, equipment and other facilities as may be necessary to efficiently prosecute the work of recovering the bodies, whether by entry made through the old openings in the mine or by driving openings through the coal adjoining

or adjacent to the old mine. The Department of Mines and Minerals may do said work by personnel employed by it, or by contracting the work to a suitable person, firm or corporation, as an independent contractor, and in the event such work is so contracted, the contract shall contain provisions as to which party is to furnish the necessary tools, equipment and other facilities, and how the same are to be disposed of when the work is completed.

(4) Any coal produced in performing the work required hereunder shall become the property of the Commonwealth, and the Department of Mines and Minerals shall dispose of said coal by contract of sale to private buyers of coal, or may make the same available to State institutions through their departmental accounts, as provided in KRS Chapter 45. Any sums realized from the sale of such coal or by charging the account of any State institution shall be credited to the appropriation account of the Department of Mines and Minerals for the purpose of carrying out the work herein provided for, until the necessary amount has been received, whereupon any further sums so realized shall be credited to the General Fund in the State Treasury.

(5) In performing the work required hereunder, whether the same is done by personnel employed by the Department of Mines and Minerals or by contract with an independent contractor, all provisions of the Workmen's Compensation Act shall be accepted and notice thereof posted as required by law, and such work shall be done in accordance with the provisions of the mining laws of the Commonwealth of Kentucky and of the United States, and rules and regulations made pursuant thereto.

(6) Any and all contracts entered into by the Department of Mines and Minerals pursuant to the foregoing provisions shall be entered into with the advice and consent of the Governor.

(7) In the event the Department of Mines and Minerals is unable to agree with the owner or owners of any property through or over where it is necessary to obtain an easement, right of way, or other interest, in order to accomplish the

purposes hereof, the department shall have the right to condemn the same, including the right of condemnation of the coal in place through which it is necessary to drive openings. For this purpose the department may follow any of the various kinds of condemnation proceedings authorized by statute.

(8) After the Department of Mines and Minerals has recovered the bodies of the men killed in said disaster, it shall provide for the suitable burial of said bodies by its own personnel under the supervision of one or more funeral directors employed by it.

(9) Any tools, equipment or other facilities acquired by the department which remain on hand after the completion of the work contemplated hereunder, shall be disposed of as provided for other surplus property of this State.

Section 2. Whereas, the passage of time will render increasingly difficult the removal of the bodies provided for in this Act, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

S. B. No. 14. An Act relating to taxation by cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Cities of all classes are authorized to levy and collect any and all taxes provided for in Section 181 of the Constitution of the Commonwealth of Kentucky, and to use the revenue therefrom for such purposes as may be provided by the legislative body of the city.

This Act shall not in any wise repeal, amend, effect or apply to any existing statute exempting property from local taxation or fixing a special rate on proper classification or imposing a State tax which is declared to be in lieu of all local taxation.

S. B. No. 59. An Act relating to the awarding of contracts by the State Division of Purchases and Public Property.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In determining the lowest and best bidder to whom a contract is to be awarded for furnishing materials, supplies or equipment purchases by the State Division of Purchases and Public Property, the division shall take into consideration whether the bidder is a resident corporation, partnership or individual of the Commonwealth of Kentucky. The bid of a resident corporation, partnership or individual of this Commonwealth shall be adjudged the lowest and best bidder if the amount of the bid does not exceed the sum of \$5,000.00 and if it is not five per cent or more higher than the bid of a non-resident corporation, partnership or individual.

S. B. No. 289. An Act relating to the destroying, breaking, tearing down, writing upon, marring, handling or carrying away of any rock, wall, or other formation within any cave exhibited to the public as a natural attraction, without the consent of the owners.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who, without permission from the owner, shall destroy, break, tear down, write upon, mar, handle or carry away any rock, wall, or other formation within any cave exhibited to the public as a natural attraction shall be fined not less than five dollars nor more than one hundred dollars, or imprisoned not less than five nor more than thirty days, or both.

S. B. No. 306. An Act relating to the return to this state of certain fugitives from justice, including provisions for the payment of the expenses thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When an application is made to the Governor of this State for a requisition upon the Governor of another state for the return of a fugitive from justice indicted in this state for a violation of KRS 435.240, and such application is endorsed by the circuit judge and the Commonwealth's attorney of the county in which the indictment was found, the Governor shall issue his requisition and the person named therein as the agent of this state shall be allowed his expenses out of the State Treasury in accordance with the provisions of KRS 440.090.

S. B. No. 319. An Act for the consolidation of the offices of sheriff and jailer in counties containing a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The offices of sheriff and jailer in counties containing a city of the first class shall be consolidated, but the office of sheriff shall be retained; and the sheriff hereafter in such counties shall perform the duties of jailer.

§ 2. This Act shall take effect on January 2, 1950.

S. B. No. 320. An Act providing for the use, operation and administration of jails in counties containing a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Upon the consolidation of the offices of sheriff and jailer and the establishment of a workhouse or penal farm in any county containing a city of the first class, no person thereafter, except in cases of contempt of court, shall be sentenced to the county jail, nor shall serve any time therein. The jail in such county shall function only as a holdover or station house for the retention of persons awaiting trial, sentence or transfer, and shall be administered by the sheriff by his appointment of a superintendent therefor experienced in penal administration. The sheriff shall receive the same fees as jailers receive for the care and maintenance of said persons so confined and said fees and the other fees of his office shall be available for the operation thereof. It shall be the duty of the fiscal court of such county to appropriate money from the general funds for the operation of such jail or holdover in event the fees of his office are insufficient properly to care for the persons confined therein. Any city within the county may use such jail upon payment of the fees set out in KRS 64.150.

S. B. No. 321. An Act providing for the acquisition, use, operation and administration of a workhouse or penal farm in counties containing a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The fiscal court of any county containing a city of the first class may purchase sufficient land any place within said county for use as a workhouse or penal farm and have constructed thereon facilities for the housing and rehabilitation of persons convicted by any of the courts in such county. The cost of such land and facilities shall be paid out of the county levy. A superintendent experienced in penal administration appointed by the county director of welfare and removable only for good cause shall supervise said institution, and employ the necessary personnel for the operation thereof. If there is no director of welfare in such county, the superintendent shall be appointed by the fiscal court. He shall

not be limited to the provisions of KRS 441.150 as to the salaries paid to guards or other employes, nor by KRS 441.120 as to the employment of persons confined therein. The fiscal court shall receive such fees from the Commonwealth of Kentucky for the care and maintenance of persons confined therein as would be paid by said Commonwealth if such persons were confined in a county jail.

§ 2. Any city may use such penal farm or workhouse by payment of fees proportionate to the cost of the maintenance thereof.

§ 3. Such workhouse or penal farm may be designated by some other name by the fiscal court of such county.

S. B. No. 322. An Act providing for the parole of persons confined in the workhouse or penal farm for counties containing a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The director of welfare of any county containing a city of the first class may promulgate rules and regulations for the creation, supervision and operation of a system of parole whereby there may be deduction for good conduct from the time of persons confined in the workhouse or penal farm of such county by reason of a judgment of any court within such county, notwithstanding KRS 439.090. Provided however, said system shall not become effective until such rules and regulations are approved by the fiscal court of such counties and may be amended by a similar procedure. If there is no director of welfare in such county, the fiscal court shall have the exclusive authority to promulgate such rules and regulations.

S. B. No. 323. An Act relating to private corporations, amending Section 271.005 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 271.005 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Articles of incorporation" includes both the original articles of incorporations and amendments thereto, except in those instances where the context expressly refers to the original articles only.

(2) An "incorporator" is a signer of the original articles of incorporation.

(3) A "subscriber" is one who subscribes for shares in a corporation, whether before or after incorporation.

(4) "Shares" are the units into which the shareholders' rights to participate in the control of the corporation, in its surplus or profits or in the distribution of corporate assets, are divided.

(5) A "shareholder" is one who owns one or more shares. A subscriber becomes a shareholder upon the allotment of shares to him. Nothing in this section shall forbid a corporation to recognize a person registered on its books as the owner of shares is the person exclusively entitled to have and to exercise the rights and privileges incident to the ownership of such shares, or to hold liable for calls and assessments a person registered as the owner of shares.

(6) A "certificate of stock" is a written instrument signed as required by KRS 271.165, and evidencing the fact that the person therein named is the registered owner of the share or shares thereby represented.

(7) "Allotment" means the apportioning of a certain number of shares to a subscriber in response to the application contained in his subscription, or to a shareholder pursuant to the declaration of a stock dividend. The allotment of shares to the incorporators, or to persons whose subscriptions were approved by the incorporators before incorporation and were unrevoked at the time of incorporation, shall be considered automatically coincident with incorporation.

(8) The "assets" of a corporation include all its property and rights of every kind.

(9) "Registered office" means that office maintained by the corporation in this state;

(a) As the place where the corporation's share registers or a duplicate is kept, and

(b) The address of which is kept on file in the office of the Secretary of State in the manner required by the provisions of KRS 271.385.

(10) The "capital" of a corporation is the portion of its assets acquired as consideration for shares allotted and that portion of its assets which has been treated as payment for shares allotted as stock dividends.

S. B. No. 330. An Act relating to judicial districts; transferring the County of Muhlenberg from the thirty-eighth judicial district to the seventh judicial district; and providing for the terms of court in such district.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The seventh judicial district shall hereafter be composed of the counties of Logan, Simpson, Todd and Muhlenburg.

§ 2. The thirty-eighth judicial district shall hereafter be composed of the counties of Butler, Edmonson and Ohio.

§ 3. The terms of court for the counties of Logan, Simpson, Todd, Butler, Edmonson and Ohio shall be as now provided in KRS 23.050.

§ 4. The regular terms of court in Muhlenburg County shall commence in such county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

Muhlenburg County at Greenville, on the first Monday in January, twenty-four juridical days; on the third Monday in April, 12 juridical days, and on the first Monday in October, twenty-four juridical days.

S. B. No. 332. An Act relating to budget and financial administration of the State Government, with particular relation to revolving, trust and agency funds; amending KRS 45.140 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 45.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Revolving fund accounts may be established by appropriations for financing activities self-supporting in whole or in part. The operating receipts of such activities shall be deposited in the State Treasury to the credit of the revolving fund so established.

(2) Trust and agency fund accounts may be established to receive and disburse contributions, gifts, donations, devises and Federal appropriations, and, when authorized by law, by depositing all of the fees (which include fees for maintenance in state institutions, incidental fees, tuition fees, fees for board and room, athletics, and student activities), rentals, admittance, sales, licenses collected by law, subventions and other miscellaneous receipts of such boards, commissions, departments, agencies and institutions.

(3) The head of the budget unit or other responsible fiscal agent of the unit or division for which a revolving, trust or agency fund has been established shall deposit with the State Treasury all receipts of the character above described, and the Department of Finance and State Treasury shall credit all such receipts to the budget unit or division thereof as directed in writing by the head of the budget unit or division thereof, and shall keep a separate account for each fund so established.

(4) The amount credited to any revolving, trust or agency fund so provided, together with any amount appropriated therefor, may be expended for the purposes of the fund without further specific appropriation. All money re-

ceived for the fund, except direct appropriations from the state, shall at all times be reserved in the State Treasury available for disbursement for the purpose of the fund in the manner provided by law and shall not be diverted to any other purpose. Revolving funds shall be subject to withdrawal from the State Treasury by the head of each budget unit or division thereof when actually needed, on requisition to the Department of Finance in the same manner as other state funds are withdrawn.

S. B. No. 335. An Act providing for the payment of certain expenses to the Members of the General Assembly and the Lieutenant Governor of the Commonwealth, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each Member of the General Assembly and the Lieutenant Governor of the State shall be paid out of the State Treasury, each month, the sum of \$100.00, which sum is hereby declared to be the equivalent of the minimum sum that each Member of the General Assembly and the Lieutenant Governor will expend each month, in the performance of his official duties, for postage, telephone service, supplies, stationery, stenographic assistance, books and periodicals. The Commissioner of Finance shall, on the first of each month, draw his warrant on the Treasurer in favor of each Member of the General Assembly and the Lieutenant Governor, for the sum above stated, and the same shall be paid out of the General Fund. The sums so received shall be expended by each Member of the General Assembly and the Lieutenant Governor in his discretion, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by the Member of the General Assembly and the Lieutenant Governor.

Section 2. The monthly expenses herein provided shall not apply at any time when Members of the General Assembly

and the Lieutenant Governor are at the Capitol and in official session, and at which time they are drawing the per diem now provided by statute.

Section 3. Whereas, present economic conditions are such as to impose an unconscionable burden upon the General Assembly and the Lieutenant Governor of the Commonwealth, and to create a threat to the expeditious administration of the Members of the General Assembly and the Lieutenant Governor for the performance of duties to their constituents, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

S. B. No. 340. An Act relating to the availability of state funds appropriated for public assistance, including old age assistance, aid to dependent children, and aid to the needy blind.

Said bill is as follows, viz.:

Whereas, social and economic factors make it exceedingly difficult to estimate exactly the number of persons who may be determined eligible to receive assistance in a particular year, the full amount of assistance funds appropriated by the Legislature and intended for needy persons may not be distributed to them, unless provisions is made to avoid these monies being turned back to the General Fund at the end of each year with consequent loss of matching federal funds.

Now Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the statutes regarding aid to dependent children is created, to be numbered KRS 200.045 and to read as follows:

Notwithstanding the provisions of KRS 45.230 and notwithstanding any other provision of the Kentucky Revised Statutes, any unexpended or unencumbered balance of any Social Security appropriation, made available for expenditure

by the Division of Public Assistance for the first fiscal year of each biennium, remaining at the end of such fiscal year, shall be carried forward and be available for expenditure at any time during the ensuing fiscal year within the biennium and no portion shall lapse to the General Expenditure Fund.

Section 2. A new section of the statutes regarding old age assistance is created, to be numbered KRS 205.045 and to read as follows:

Notwithstanding the provisions of KRS 45.230 and notwithstanding any other provision of the Kentucky Revised Statutes, any unexpended or unencumbered balance of any Social Security appropriation, made available for expenditure by the Division of Public Assistance for the first fiscal year of each biennium, remaining at the end of such fiscal year, shall be carried forward and be available for expenditure at any time during the ensuing fiscal year within the biennium and no portion shall lapse to the General Expenditure Fund.

Section 3. A new section of the statutes regarding aid to the needy blind is created, to be numbered KRS 207.085 and to read as follows:

Notwithstanding the provisions of KRS 45.230 and notwithstanding any other provision of the Kentucky Revised Statutes, any unexpended or unencumbered balance of any Social Security appropriation, made available for expenditure by the Division of Public Assistance for the first fiscal year of each biennium, remaining at the end of such fiscal year, shall be carried forward and be available for expenditure at any time during the ensuing fiscal year within the biennium and no portion shall lapse to the General Expenditure Fund.

S. B. No. 203. An Act to amend Sub-section (2) of Section 69.110 of Kentucky Revised Statutes pertaining to district detectives in counties containing cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sub-section (2) of Section 69.110 of Kentucky Revised Statutes be amended so that when amended it shall read as follows:

In counties containing a city of the second class the Commonwealth's attorney shall appoint a district detective for a term of four years subject to removal at any time by the Commonwealth's attorney. He shall receive an annual salary of not less than eighteen hundred dollars, nor more than thirty-six hundred dollars, to be paid out of the county levy in equal monthly installments.

S. B. No. 327. An Act amending KRS 382.430, relating to recording of instruments securing indebtedness.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 382.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) No mortgage, conveyance or other instrument or writing constituting a lien or other security for any note or other evidence of indebtedness shall be received for record by any county clerk unless such mortgage, conveyance or other writing gives the county and state of the residence and the post office address of the person or corporation owning or holding the note or other evidence of indebtedness, or liable for the payment of taxes thereon.

(2) Should there be an assignment of such note or other evidence of indebtedness, of record in the clerk's office, the assignment shall state the county and state of the residence and post office address of the assignee. Unless any assignment is made of record, the original holder or owner shall be liable for taxes as though no assignment had been made.

(3) This section shall not apply to mortgages securing bond issues.

S. B. No. 328. An Act relating to chattel mortgages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 382.720 of the Kentucky Revised Statutes is amended to read as follows:

A recorded chattel mortgage shall be invalid as against creditors, purchasers, junior mortgagees, other lienors and encumbrancers and third parties after the expiration of a period of seven years from the time the chattel mortgage is filed as provided in KRS 382.670 or from the time of filing of a statement as provided in this section, unless before the expiration of such terms the mortgagee or someone in his behalf files a statement, containing the names of the parties to the mortgage, the time and place where the original is filed, and the amount then due thereon for principal and interest, in which case the lien of the mortgage shall be extended for seven years from the date of filing the statement. The statement shall be filed in the office of the county clerk of the county or counties in which the chattel mortgage was filed, unless the circumstances with respect to the residence of the mortgagor or the location of the property are such that a new mortgage covering the same property will have to be recorded in a different county or counties, in which case the statement shall be filed in the latter county or counties. The county clerk may charge a fee of one dollar for filing such statement and shall enter it in his "chattel mortgage minute book" as in the case of a chattel mortgage.

S. B. No. 341. An Act relating to registration and purgation, with particular reference to county boards of registration and purgation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 117.420 of the Kentucky Revised Statutes is amended to read as follows:

Members of county boards of registration and purgation shall receive from three to eight dollars each per day, the exact compensation per day to be fixed by the fiscal court, for not more than twenty days per year, except in counties containing cities of the first class, in which counties each member shall receive \$1,200 per annum, to be paid by the fiscal court in monthly installments. In counties that do not have a city of the first class, the board shall meet at 9 a. m. on the thirtieth day prior to each of the primary and general elections and shall remain in continuous session from day to day excepting Sundays until their work is completed, but shall not remain in session more than ten days exclusive of Sundays. In counties having a city of the first class, the board may meet at any time necessary to perform its duties, and shall remain in session for the purpose of hearing challenges continuously from the date that the registration books are closed before any primary or regular election. In all counties the board shall hold all of its meetings at the courthouse unless it is necessary that it hold meetings at some other place in the county, but no meeting shall be held at any other place in the county unless the persons affected by the meeting are given written notice of its time and place.

§ 2. Section 117.425 of the Kentucky Revised Statutes is repealed.

S. B. No. 342. An Act creating the Kentucky Building Commission for the purpose of authorizing, approving and supervising the expenditure of State funds for certain State agencies and institutions, for purposes of capital outlay, and defining the powers and duties of such Commission; etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created an independent Agency of the Commonwealth of Kentucky under Chapter 12 of the Kentucky Revised Statutes, which shall be known as the Kentucky Building Commission and which shall be composed of the

Governor, who shall be Chairman thereof, the Lieutenant Governor, the Attorney General, the Commissioner of Finance and the Commissioner of Revenue.

§ 2. Such Commission is authorized, empowered and directed to determine the comparative need and demand for for acquiring lands, the construction or reconstruction of buildings, the installation of utility services, including roads and sewers, the purchase and installation of equipment, facilities and furnishings for the buildings so constructed or reconstructed, or for existing buildings, which equipment, facilities and furnishings are to be of a permanent nature. After the Kentucky Bulding Commission has determined the need and demand for any one or all of the purposes herein set forth for any agency or institution hereinafter referred to, it is authorized and empowered to provide for and adopt such plans and specifications as may be necessary, to advertise for and receive bids for any expenditures proposed to be made, to award contracts for the purpose herein authorized, to supervise construction and make such changes or revisions in plans and specifications, or in construction, as may become necessary, and generally to do any and all other things as may become necessary or expedient in order to effectively fulfill and carry out the purpose for which it is created, including the right to employ such clerks, engineers, statisticians, architects or other persons required to be employed in order to fulfill the objective of its creation and further to adopt such rules and regulations as may be expedient and which are not in conflict with its general purposes. The advertisement for bids and the receipt thereof and the awarding of contracts thereon shall be in accordance with Chapters 12, 42 and 45 of the KRS. Warrants for such expenditures shall be issued by the Commissioner of Finance on the State Treasury upon an order of the Commission.

§ 3. The appropriation hereinafter made and referred to, and designated as capital outlay, shall in addition to other purposes hereinafter enumerated, be expended by and under the direction of such Commission for the following uses and purposes:

For acquiring lands, the construction of buildings, the reconstruction of buildings, the installation of utility services, including roads and sewers, the purchase and installation of equipment, facilities and furnishings for the buildings so constructed or reconstructed, or for existing buildings, which equipment, facilities and furnishings are of a permanent nature for any one or all the following institutions and agencies, to wit: Western State Hospital, Eastern State Hospital, Central State Hospital, Kentucky Training Home, Kentucky State Hospital, Kentucky Children's Home, the six Tuberculosis Sanatoria, Houses of Reform, Reformatory, Penitentiary, Women's Prison, for matching funds for hospital construction under any law now existing or that may be passed by the National Congress, University of Kentucky, Western State Teachers College, Eastern State Teachers College, Morehead State Teachers College, Murray State Teachers College, Kentucky State College, Lincoln Institute, State-owned vocational schools, Kentucky School for the Blind (White and Colored), Kentucky School for the Deaf (White and Colored), Judiciary Building, Kentucky Historical Society, Aeronautics Commission, Division of State Parks, National Parks, Department of Education, Unemployment Compensation Commission, and for any other State Department, Agency or Institution.

§ 4. The Engineering and Construction Division of the Department of Welfare, which was created and placed under the direction of the Department of Welfare by Executive-Administrative order of the Governor of the Commonwealth on October 6, 1944, be and the same is hereby transferred to and placed under the supervision, control and direction of the Kentucky Building Commission. All personnel, property, equipment and facilities of the Division of Engineering, including its books, records, studies, plans and specifications, shall, upon the effective date of this Act, be transferred to and be under the supervision and control of the Kentucky Building Commission. The Kentucky Building Commission shall appoint a qualified Chief Engineer of its Division of Engineering, who shall serve as Executive Secretary to the Commission, and who shall possess such powers and perform such

duties as may be delegated to him from time to time by the Commission. The Division of Engineering shall, at the direction and request of the Commission, prepare such plans and specifications as may be necessary, investigate and make studies of the comparative need and demand for acquiring any lands, or for the construction or re-construction of any buildings, or for the purchase, installation or construction of any equipment, facilities or furnishings incidental or pertaining thereto, shall make such estimates of cost as may be required in connection with or incidental to the development, purchase, acquisition or construction of the foregoing, and in general shall give such technical or other assistance to the Commission and perform such other duties as may be required, informative or helpful in carrying out the purposes for which the Commission is created.

§ 5. The appropriation made out of the surplus cash balance to the credit of the General Expenditure Fund as of June 30, 1948, to the Kentucky Building Commission, as referred to in Part 3 of House Bill No. 5, enacted at the regular session of the 1948 General Assembly, be and the same is hereby transferred to the credit of, and shall be considered as an appropriation to, the Kentucky Building Commission herein created; said appropriation being for the fiscal year beginning July 1, 1948, and ending June 30, 1949, provided any unexpended or unencumbered balance remaining at the end of the fiscal year of 1948-1949 shall not lapse to the General Expenditure Fund, but may be encumbered and expended by said Commission in the fiscal year of 1949-1950. The entire sum of ten million dollars (\$10,000,000) shall be expended solely and only as capital outlay for the purposes referred to in this Act, provided that such Commission may expend a portion of said fund equivalent to 2 per cent thereof for administrative and ordinary recurring expenses of operation of said Commission, and, further, it is provided that not more than 1 per cent of the principal amount of said fund shall be so expended in any fiscal year; it being the purpose and intent of the General Assembly to appropriate out of the ten million dollar (\$10,000,000) fund and designated for capital outlay, the sum of one hundred thousand dollars (\$100,000) for the

fiscal year ending June 30, 1949, and one hundred thousand dollars (\$100,000) for the fiscal year ending June 30, 1950 for administrative and ordinary recurring expenses of operation of such Commission.

§ 6. All appropriations made at the regular 1948 session of the General Assembly to the Division of Engineering of the Department of Welfare for the fiscal years 1948-1949 and 1949-1950 are hereby transferred to the credit of and shall be considered as an appropriation to the Kentucky Building Commission for purposes of administration and for ordinary expenses of operation.

§ 7. No member of the Commission shall receive any salary, fee or other remuneration for his services as member of such Commission, but shall be entitled to be reimbursed for his ordinary traveling expenses, including meals and lodging, which may be incurred in the performance of his duties as member of such Commission.

§ 8. No work shall be commenced and no contract shall be entered into by any department, agency or institution of the State Government for any of the purposes specified and enumerated in this Act, where the expenditure involved is for a purpose of a permanent nature and involves an expenditure of more than ten thousand dollars (\$10,000) from the State Treasury under an appropriation made by the General Assembly or from the issuance of revenue bonds unless and until the plans and specifications, estimates of cost, and the bids received therefor, covering the entire work contemplated, together with the proposed contracts in connection therewith, have been submitted to the Kentucky Building Commission, and the execution of the contracts or the undertaking of the work has been approved and authorized by such Commission. The Commission shall not so approve, nor authorize any such contract, nor the undertaking of such work for the purposes specified in this Act in any instance where it finds that the cost of completing the work contemplated will exceed the amount of the appropriation therefor, or that the work contemplated will be insufficient for the purposes for which the appropriations were made or that after providing for the ordinary recurring expenses of Government and for debt serv-

ice and for payments under existing allotments for extraordinary expenses and capital outlay, cash will not be available in the State Treasury to promptly pay for such work during the biennium.

§ 9. In addition to all of the other powers, duties and obligations herein vested in the Kentucky Building Commission, said Commission shall possess, and is hereby vested with, the following powers and duties:

(1) It is hereby authorized to purchase, lease or rent such real estate, including improvements thereon, together with fixtures and appliances, as it may find to be necessary for use by the Commonwealth or any department, institution or agency thereof, upon such terms and conditions and for such consideration as may appear to the Commission to be fair and reasonable.

(2) No real estate having a value in excess of ten thousand dollars (\$10,000) shall be sold by any department, agency or institution of the Commonwealth until prior written approval of the Commission is obtained.

(3) In carrying out the purposes of this Act, and in providing for the expenditure of funds for any of the purposes set forth and enumerated in Section 2 hereof, the Commission may specify that in order to defray the expense for any one or all of such purposes, the cost may be paid in whole or in part, as may be determined by agreement between the Commission and any such department, agency or institution (a) out of the funds herein appropriated and designated as capital outlay, or (b) out of funds directly appropriated to such department, agency or institution which may be legally available for said purposes, or (c) out of funds derived, or which may be derived, by the issuance and sale of revenue bonds by the Commission, or with the approval of the Commission, by the issuance and sale of revenue bonds by such department, agency or institution in the manner now provided by law, or (d) by any one or a combination of said methods of financing.

In any case where expenditures for the purposes specified in section 2 hereof are to be financed in whole or in part

by the issuance and sale of revenue bonds, the Commission in its discretion may provide that the title to any real estate which may be so acquired shall not vest in the Commonwealth until the revenue bonds, together with interest thereon, shall have been paid in full. In such cases the Commission may, by agreement or in a trust indenture securing the payment of such revenue bonds, provide that the title to such real estate may be vested in some other department, institution or agency of the Commonwealth, or in a trustee named in any such indenture, until such revenue bonds, together with the interest thereon, shall have been paid in full.

(4) The Commission, in providing for the expenditure of funds for any of the purposes named in Section 2 hereof, or for the issuance and sale of revenue bonds, shall have full power and authority to provide by agreement with the department, agency or institution affected, or by provision in the trust indenture securing the revenue bonds, such terms and conditions as may be considered appropriate and reasonable so as to permit the leasing to, and use by, any department, institution or agency which provides funds (a) either from its own appropriation made by the General Assembly, or (b) by the issuance of revenue bonds, or (c) which proposes to pay a rental for the use of all or any part of any building or other structure proposed to be constructed. The Commission, in making any such lease agreement, or in making provision in any trust indenture securing revenue bonds, all as above set forth, is authorized and empowered to lease all or any part of a building so constructed for such term or terms and upon such conditions and for such consideration as may appear to be in the public interest.

(5) When the Commission determines that any property is necessary for use by the Commonwealth of Kentucky or any department, institution or agency thereof, and the Commission is unable to agree with the owner or owners thereof on a price for such property, it may acquire the same by the exercise of the powers of eminent domain in the manner provided by Chapter 416 Kentucky Revised Statutes.

(6) The Commission may lease any real estate or any building, or any part of a building, now owned or hereafter

acquired by the Commonwealth to any person, firm or corporation, not a department, institution or agency of the State, when it finds as a matter of fact that neither said real estate nor any building or part thereof is needed for State purposes. Any such lease or rental agreement shall be upon such terms and conditions and for such consideration as the Commission may prescribe and the same shall be made in the name of the Commonwealth of Kentucky, and shall be signed by the Chairman of the Commission and lodged for record in the office of the Secretary of State.

(7) The Commission is authorized and empowered to issue and sell revenue bonds in such denominations and in such amount or amounts as may be deemed by the Commission to be for the best interest of the Commonwealth for any of the following purposes:

(a) To acquire real estate.

(b) To construct any building or other improvement authorized by Section 2 of this Act.

(c) To pay all or any part of the expenses or cost incidental to such purchase, building or construction, and

(d) To defray the cost of plans, specifications, blueprints, architectural fees and other expenses authorized to be incurred under the terms of this Act.

Any revenue bonds so issued shall bear interest at a rate not exceeding 5 per cent per annum, payable semi-annually, and shall become due and payable not more than forty years from the date of issuance. The payment of said bonds, together with the interest thereon, may be secured by a pledge and a first lien on all of the receipts and revenues derived, or to be derived, from the rental or operation of said properties. Neither the payment of any bond, nor the interest thereon issued under the authority of this Act, shall constitute an indebtedness of the Commonwealth of Kentucky, nor shall any bond or interest thereon be payable out of any funds except such funds as may be derived from rentals or other revenues derived from the operation of the properties or from such revenues as may have been, or may be, available for such purpose, or purposes, by law.

All bonds which may be issued under the provisions of this Act shall be sold to the highest and best bidder after having been duly advertised in a newspaper, or newspapers, of general circulation in the Commonwealth for at least once a week for three consecutive weeks, and by such advertising as the Commission may prescribe if it finds additional advertising is necessary.

All competitive bids for the sale of such revenue bonds shall be opened and read publicly by the Commission or its representative at a designated place, day and hour, all of which shall be announced in the advertising made relative thereto.

Except as otherwise specifically provided in this Act, the Commission is vested with all of the rights, powers and duties set forth and enumerated under Chapter 58 of the Kentucky Revised Statutes.

In the event the Commission issues and sells revenue bonds as authorized in this Act, it may carry such insurance, including fire and windstorm, casualty, catastrophe, use and occupancy and such other insurance as the Commission may deem advisable in connection with the construction of any of the improvements enumerated in Section 2 hereof, and may so obligate and bind itself in a trust indenture securing the payment of such bonds. Any such insurance shall be paid for out of the fund available for the construction of any such improvement.

All money from the sale of revenue bonds shall be covered in the State Treasury and shall be credited to a special fund to be designated as directed by the Commission, and no part thereof shall be withdrawn from the State Treasury except for the purposes specified in Section 2 hereof, together with the cost incidental to the issuing and selling of such bonds and other expense directly related thereto. The Commission may likewise provide in any trust indenture securing said revenue bonds for additional terms and conditions thereof, or for other restrictions not in conflict with this Act.

The authority herein conferred upon the Commission to issue and sell revenue bonds is intended to, and shall be con-

strued as, a method for the issue and sale of bonds in addition to the right, power and authority which any other department, institution or agency of the Commonwealth may now possess under existing law; the right, power and authority now vested in any such department, institution or agency of the Commonwealth to issue and sell revenue bonds for the purposes specified in this Act, or in any other Act, shall remain in full force and effect.

§ 10. The Commission in its discretion is authorized to abandon, or cause to be abandoned, the construction of any building or other improvement which has heretofore been commenced, and to revise, or cause to be revised, the plans and specifications for any such building, or the construction of any such improvements, or to change, modify or restrict the right of any such department, institution or agency to occupy any such building, or to wholly abandon any one or more of such construction projects, as the Commission may determine to be in the best interests of the Commonwealth, in order that suitable office space and facilities can be provided for all agencies of the State Government in the most economical manner and in accordance with sound business principles. In the event the Commission determines to abandon, or cause to be abandoned, the construction of any building, or to change the purposes for which such building or buildings are being constructed, or for which contracts have been entered into, or were commenced, by the Commonwealth or any agency therefor, the Commission is authorized to make such equitable adjustment or settlement with the architects, engineers and contractors employed in connection with such construction as it may deem just and equitable. In the event there is an adjustment or settlement with said architects, engineers or contractors, the Commission is authorized to pay the same, or to approve the payment thereof, from any of the funds set forth in sub-section 3 of Section 8 hereof.

§ 11. Nothing in this Act shall be construed to apply to:

(a) The construction of roads or bridges or to the acquisition of rights of way or real estate in connection there-

with now under the jurisdiction of the Department of Highways, or for any other expenditure made from the State Road Fund.

(b) Nothing in this Act shall be construed to apply to any graded school districts or independent school districts, or to affect the rights, powers and duties of the governing authorities of such districts.

§ 12. All Acts and parts of Acts in conflict herewith, to the extent of such conflict, are hereby repealed.

§ 13. Whereas, various departments and agencies of this Commonwealth are in urgent need of office space and of additional read estate and

Whereas, the construction of two or more office buildings has been commenced, and

Whereas, the construction of one of the said buildings has been stopped because of lack of funds and for other reasons, and

Whereas, the powers and duties provided by this Act should be made effective immediately to avoid waste and confusion and to provide for the best interests of the Commonwealth, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

S. B. No. 344. An Act relating to merger of independent school districts with county school districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When a Board of Education of an independent school district desires to have its district become a part of the county school district, it shall by motion so record its desire in the Minutes of the Board. The Board, or its executive officer, shall convey this request to the County Board of Education. At its next regular meeting, or at a special meet-

ing held prior thereto, the County Board of Education shall pass upon this request.

§ 2. If the County Board of Education refuses, or the two Boards of Education cannot agree upon such a proposition of merger of the independent district with the county district, the independent Board of Education may appeal to the Superintendent of Public Instruction and ask that its request to become a part of the County School District be submitted to the State Board of Education for final settlement.

§ 3. If the State Board of Education approves the proposition of merger, it shall become effective and the independent district shall become a part of the county school district on the basis of the conditions of merger as set out by action of the State Board of Education.

S. B. No. 345. An Act relating to financial assistance for the development of airports.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. As used in this Act unless the context requires otherwise:

(1) Any Terms used in this Act that are defined in KRS 183.010 shall have the same meaning as defined in that section.

(2) State Airport Plan means the plan for the development of public airports for the benefit of the Commonwealth of Kentucky.

(3) Development and Airport Development mean:

(1) Any work involved in planning, designing, constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration and repair of airport administrative buildings and the removal, lowering, relocation and marking and lighting of airport hazards; and (2) any acquisition of land, or interest therein, or of any easement through or other interest in air space which is necessary to

permit any such work or to remove or mitigate or prevent or limit the establishment of airport hazards and expenses incident to the carrying out of this act.

(4) Public Airport means any airport which is used or to be used for public purposes under the control of a public agency, the landing area of which is publicly owned.

(5) Department means the Department of Aeronautics of Kentucky.

Section II. In carrying out the purposes of this Act, the Department shall consider the views and recommendations of the Department of National Defense, or any agency of the United States Government subordinate thereto, to the end that the airport development included in such plan may be as useful for national defense as is feasible.

Section III. The Kentucky Department of Aeronautics, any governmental unit, or the Department together with any governmental unit may contract with the federal government in regard to the development of airports under any Act of Congress providing federal aid to the states in airport development.

Section IV. The Department may contract with a governmental unit and a governmental unit may contract with the Department in regard to the development of airports.

Section V. In order to bring about, in conformity with the National Airport Plan prepared and from time to time revised as provided in the Federal Airport Act, the establishment of a state-wide system of public airports adequate to meet the present and future needs of civil aeronautics, the Department is authorized to render financial assistance by grant or loan or both to any governmental unit in the development of an airport owned or controlled or to be owned or controlled by such governmental unit out of appropriations made by the General Assembly for such purposes. Such financial assistance may be furnished in connection with federal aid, local or other funds available for airport purposes.

Section VI. (1) The development of airports in the State Airport Plan may be undertaken and the cost of such development may be borne as follows:

(a) Airports may be developed by the Commonwealth of Kentucky or by the Commonwealth of Kentucky and the United States Government in cooperation and, when so undertaken, the cost of such development may be borne entirely by the Commonwealth of Kentucky, or by the Commonwealth of Kentucky and the United States Government, or by the United States Government.

(b) Airports may be developed by a governmental unit and the Commonwealth of Kentucky and, when so undertaken, the cost of such development may be borne by the governmental unit and the Commonwealth of Kentucky.

(c) Airports may be developed by a governmental unit and the United States Government, and, when so undertaken, the cost of such development may be borne by the governmental unit and the United States Government.

(d) Airports may be developed by a governmental unit, the Commonwealth of Kentucky and the United States Government and, when so undertaken, the cost of such development may be borne by the governmental unit, the Commonwealth of Kentucky and the United States Government.

(2) Whenever state funds are used or sought to be used in the development of an airport in the State Airport Plan, the State Treasury shall be designated as the depository for all funds of governmental units, the United States Government, the Commonwealth of Kentucky, and private contributions pledged, contributed, loaned, made available, given or allocated for the development of such airport. Provided, however, the Department may disregard the provisions of this subsection if such be necessary in order to comply with any law or regulation of the Federal Government. In all other instances of airport development, the governmental unit may designate its own depository for all funds of the governmental unit, United States Government, and private contributions pledged, contributed, loaned, made available, given or allocated for such airport development.

Section VII. The Department may set apart out of moneys appropriated to it for the State Airport Plan an amount equal to any sum allotted to the state by the federal government or any sum necessary to carry on cooperative work with the federal government.

Section VIII. As a condition precedent to the expenditure of any state funds for the development of any airport in the State Airport Plan, the governmental unit shall have, or be in a position to acquire, all lands or other property interests which in the judgment of the Department are necessary for the development of the airport to the class proposed in the State Airport Plan.

Section IX. The Department shall not expend any funds appropriated or made available by the state for the development of public airports, upon any private airports.

Section X. Whenever state funds are used, or sought to be used, all governmental units in this state, whether acting alone or jointly with another governmental unit or with the United States Government or with the state, shall comply with the terms of this Act and all rules and regulations adopted thereunder, and secure the approval of the Department.

Section XI. The Department may make such rules and regulations as are necessary and proper to carry out and foster the provisions of this Act.

Section XII. The provisions of Section 56.030 of the Kentucky Revised Statutes do not apply to land or interest in land or easements thereon partly or wholly paid for out of state funds used in the construction, alteration, or development of airports in the State Airport Plan.

Section XIII. There is hereby created in the State Treasury a special fund to be known as the Kentucky Airport Development Fund. All moneys deposited or paid into this fund, including repayment of any loans made therefrom, are appropriated and shall be available to the Department for the purposes of this Act. All moneys in such fund shall be ex-

pended solely for the development of airports in the State Airport Plan. The fund shall consist of all money appropriated by the State and all money received from the United States or from any other source for the purpose of airport development. All moneys in the Kentucky Airport Development Fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury, except that any balance in this fund shall not lapse at any time but shall be continuously available to the Department for the purposes of carrying out the provisions of this Act. A general statement that all continuing appropriations are repealed shall not be construed as abolishing this fund.

Section XIV. There is hereby appropriated out of the surplus cash balance which will be in the State Treasury to the credit of the General Expenditure Fund, as of June 30, 1948, the sum of two hundred and fifty thousand (\$250,000.00) for the fiscal year beginning July 1, 1948, and ending June 30, 1949, the sum of two hundred and fifty thousand dollars (\$250,000.00) for the fiscal year beginning July 1, 1949, and ending June 30, 1950, said sums being appropriated to the Kentucky Airport Development Fund for the development of airports included in the State Airport Plan.

S. Res. No. 47. A Resolution authorizing E. H. Marhoefer, Jr., Company to sue the Commonwealth of Kentucky; authorizing a compromise or settlement of such claim or suit; and providing for the payment of any judgment obtained or the amount of any settlement agreed upon.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Whereas, E. H. Marhoefer, Jr., Company was the lowest and best bidder on contracts for the construction of water-works improvements on a sewage treatment plant and sanitary

sewers at Western State Hospital, at or near Hopkinsville, Kentucky; and

Whereas, the contracts for said improvements were awarded to the said E. H. Marhoefer, Jr., Company of said contracts designated and known as Contract H-5, Waterworks Improvement, Western State Hospital, Hopkinsville, Kentucky; Contract H-3, Sewage Treatment Plant, Division 1, Western State Hospital, Hopkinsville, Kentucky; and Contract H-3, Sewage Treatment Plant, Division 2, Western State Hospital, Hopkinsville, Kentucky; and

Whereas, said E. H. Marhoefer, Jr., Company submitted its bids and entered into said contracts in reliance upon plans, specifications and blueprints furnished the bidders and which formed a part of said contracts; and

Whereas, said plans, specifications and blueprints were prepared by an agency of the Commonwealth of Kentucky and purported to show in detail the water and sewage lines to be laid by said contractor, and purported to show the location of old sewage lines which existed under the surface of the ground and which were not visible by an inspection of the premises; and

Whereas, when the work was undertaken the contractor encountered a great many old sewer lines beneath the surface which had not been indicated on plans, blueprints or specifications; and

Whereas, said old sewer and water lines resulted in considerable delay and great additional expense to the contractor, and a great amount of extra work which was not anticipated and reasonably could not have been anticipated at the time the bids were submitted or at the time the contracts were executed; and

Whereas, the contractor contends that because of neglect, inefficiency, incompetency, and malicious and unreasonable requirements made and enforced by the engineer or engineers who supervised for the Commonwealth of Kentucky performance of the work which the contractor was required to do, the

contractor was unreasonably delayed in the performance of the work and was required to deviate from the plans and specifications at greatly increased cost to the contractor, and for which the contractor was never compensated; and

Whereas, a dispute has arisen between said contractor and the Commonwealth of Kentucky with respect to additional compensation which the contractor claims to be due him because of various and sundry requirements imposed upon the contract which were not contemplated in or required by said contracts and specifications;

Now, Therefore, in order that the respective rights of the parties may be finally determined, the said E. H. Marhoefer, Jr., Company hereby is authorized to institute and maintain a suit against the Commonwealth of Kentucky, at the contractor's election, either in the Christian Circuit Court or the Franklin Circuit Court, for such additional compensation as it may be entitled to receive and for such damages as it may have sustained, if any. The Attorney General of the Commonwealth of Kentucky may investigate the said claims against the Commonwealth and may compromise or settle said claims before or after suit is filed if he deems it advisable. Any amount adjudged to plaintiff in said suit or agreed upon by settlement with the Attorney General shall be paid out of funds appropriated to the Department of Welfare or out of any other available funds of the Commonwealth, upon warrant drawn by the Commissioner of Finance upon the State Treasurer. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky, as in other civil cases.

Nothing contained in this resolution shall be considered by either the court or jury as substantive evidence on the merits of the alleged claim, and the court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies of any liability on the part of the Commonwealth of Kentucky or any of its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

S. Res. No. 52. A Joint Resolution providing for the furnishing and distribution each month of a specified number of copies of "The Kentucky State Digest"; providing for paying the cost thereof; and making an appropriation for the purpose.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. The publishers of "The Kentucky State Digest" are authorized and directed to furnish 500 copies of the digest each month for distribution to the following officers and agencies:

- (1) Each member of the General Assembly.
- (2) Each Constitutional State Officer.
- (3) Each Judge and Commissioner of the Court of Appeals.
- (4) Each statutory administrative department and independent agency of the state Government.
- (5) Each of the state institutions of higher learning.
- (6) Such other officers, agencies and institutions of the state government as may be designated as provided in Section 2 of this Resolution.

2. The Kentucky Codification Board, subject to the approval of the Governor, shall designate the number of copies of the digest to be furnished to each officer, department, agency and institution designated in Section 1 of this Resolution, within the maximum of 500 copies. The publishers shall be furnished with a list of the officers, departments, agencies and institutions to whom delivery is to be made, and the address at which delivery is to be made, and the publishers shall bear the expense of delivery to such addresses.

3. For furnishing and delivering the digests in accordance with this Resolution, the publishers shall be paid the sum of \$250 per month. The Department of Finance shall issue its warrant each month for this sum, upon receipt of a

voucher for same endorsed and approved by the Chairman of the Codification Board.

4. For the purposes of this act there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of \$3000 per year for each of the fiscal years 1948-1949 and 1949-1950.

S. Res. No. 61. A Joint Resolution authorizing payment of the claim of Claud Duff, Sheriff of Owsley County, for services rendered in the return of a fugitive from Justice, and making an appropriation for the purpose.

Said resolution is as follows, viz.:

Whereas, Claud Duff, sheriff of Owsley County, rendered services for the Commonwealth in returning to Owsley County, from the city of Franklin, Ohio, a fugitive from justice who was duly indicted at the December, 1944, term of the Owsley Circuit Court, and in so doing incurred expenses in the amount of \$45.20; and

Whereas, through oversight and inadvertence, no requisition from the Governor was secured for the return of said fugitive, by reason of which the statutes prevent the payment of said claim, notwithstanding that said claim is just and proper;

Now, Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky: -

That there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of \$45.20 for the purpose of paying the claim of Claud Duff, sheriff of Owsley County, Kentucky, for expenses incurred in returning certain fugitive from justice who was indicated at the December, 1944, term of the Owsley Circuit Court. The Commissioner of Finance is authorized and directed to issue his warrant upon the State Treasurer in favor of the said Claud Duff in

the amount of \$45.20, and upon receipt of the warrant the State Treasurer is authorized and directed to pay the same.

S. Res. No. 62. A Joint Resolution authorizing the payment of a claim of Chris H. Glanz, Jr., of Louisville, Kentucky, against the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, the Kentucky State Fair Board leased the Kentucky Horse Show Pavilion to a corporation known as United Sports Enterprises, and,

Whereas, said lease provided for rent in the amount of One Thousand (\$1,000.00) Dollars per month and Ten Percent (10%) of the gross income from admission of the public and further provided that the Fair would remit Fifteen Hundred (\$1500.00) Dollars of the rent to pay for the reinstallation of heaters, and,

Whereas, the Board and said Corporation desired that the heaters that had formerly been in the Horse Show Pavilion be reinstalled, and,

Whereas, informal and unadvertised bids were asked for the completion of such work, and,

Whereas, Chris H. Glanz, Jr., of Louisville, Kentucky, was the low and successful bidder in the amount of Four Thousand Seventy-five (\$4,075.00) Dollars, there being other bids, the highest being between Eight Thousand (\$8,000.00) Dollars and Nine Thousand (\$9,000.00) Dollars, and,

Whereas, heaters and exhaust fans were installed by Chris H. Glanz, Jr., and,

Whereas, United Sports Enterprises has paid Two Thousand One Hundred Seventy-Five (\$2,175.00) Dollars, and,

Whereas, United Sports Enterprises is now defunct and has terminated its lease, and,

Whereas, there is due Chris H. Glanz, Jr., Nineteen Hundred (\$1900.00) Dollars on said contract, and,

Whereas, the State Fair Board agreed to allow a credit in the amount of Fifteen Hundred (\$1500.00) Dollars in the rent payable to them for the purpose of paying for the re-installation of heaters, and,

Whereas, none of this Fifteen Hundred (\$1500.00) Dollars has been remitted to pay for such heaters, and

Whereas, such claim has not been paid because there was no advertising of bids, and,

Whereas, the Attorney General recommends payment of said claim,

Now, Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commonwealth of Kentucky is indebted to Chris H. Glanz, Jr., in the amount of Fifteen Hundred (\$1500.00) Dollars for the reasons that goods and services were furnished the Kentucky State Fair Board, and it further appearing said claim is a just claim against the Commonwealth of Kentucky; the Commissioner of Finance is hereby authorized and directed to pay said claim when presented by Chris H. Glanz, Jr., of Louisville, Kentucky, the amount necessary to pay said claim, being Fifteen Hundred (\$1500.00) Dollars, is hereby appropriated out of the State fair fund for that purpose.

S. Res. No. 63. A Joint Resolution providing for the payment of per diem to the Assistant Clerk and the Chief Clerk of the 1944 First and Second Extraordinary Sessions of the General Assembly of Kentucky.

Said resolution is as follows, viz.:

Whereas, Miss Mary Lou Hubbard was the Assistant Clerk of the Senate of Kentucky in the First Extraordinary Session of the General Assembly held in 1944 and, as such, under the Constitution and the Statutes of the Commonwealth of Kentucky, was entitled to \$16.00 per diem for a period of

thirty (30) days for the proofreading of the Journals of the Senate, and whereas, she actually performed the duties required by law in this regard in the First Extraordinary Session of 1944, and

Whereas, Miss Mary Lou Hubbard was the Chief Clerk of the Senate of Kentucky in the Second Extraordinary Session of the General Assembly held in 1944 and, as such, under the Constitution and the Statutes of the Commonwealth of Kentucky, was entitled to \$26.00 per diem for a period of thirty (30) days for the proofreading of the Journals of the Senate, and whereas, she actually performed the duties required by law in this regard in the Second Extraordinary Session of 1944, and

Whereas, the then Commissioner of Finance refused to make the payment provided by the Constitution and the Statutes of \$16.00 per day for thirty days for the Assistant Clerk of the First Extraordinary Session of 1944, and refused to make the payment provided by the Constitution and the Statutes of \$26.00 per day for thirty days for the Chief Clerk of the Second Extraordinary Session of 1944, and

Whereas, under the Constitution Miss Mary Lou Hubbard was entitled to receive as Assistant Clerk of the First Extraordinary Session of 1944 the sum of \$480.00 for proofreading the Journals of the Senate, and whereas, she was entitled to receive as Chief Clerk of the Second Extraordinary Session of 1944 the sum of \$780.00 for proofreading of the Journals of the Senate, and

Whereas, the Commissioner of Finance paid to her only the sum of \$240.00 for the services she performed as Assistant Clerk of the First Extraordinary Session of 1944, which amounted to a deficit of \$240.00 of the amount provided for by the Constitution of the Commonwealth of Kentucky, and

Whereas, the Commissioner of Finance paid to her only the sum of \$390.00 for the services she performed as Chief Clerk of the Second Extraordinary Session of 1944, which amounted to a deficit of \$390.00 of the amount provided for by the Constitution of the Commonwealth of Kentucky, and

Whereas, for said services in both Sessions as Assistant Clerk and as Chief Clerk she was entitled to receive the total sum of \$1,260.00 for services performed in proofreading the Journals of the Senate as provided by the Constitution and was paid only the total sum of \$630.00, and there remains owing to her by the Commonwealth of Kentucky a balance of \$630.00.

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commonwealth of Kentucky is indebted to Miss Mary Lou Hubbard in the sum of \$630.00 and

Be it further resolved that the Commissioner of Finance is hereby directed to issue his warrant in the sum of \$630.00 on the Treasury of the Commonwealth of Kentucky for the payment of such deficit in the amount of \$630.00, and that such sum shall be charged to the current expenses of the General Assembly of the Commonwealth of Kentucky.

Ordered that said bills and said resolutions be printed and referred to the Committee on Rules.

Bills and resolutions of the following titles were introduced, viz.:

By Mr. John C. Watts.

H. B. No. 486. An Act appropriating money out of the General Expenditure Fund to supply deficiencies in appropriations heretofore made to the following offices, departments, divisions, commissions, institutions, and sub-divisions of the State Government, to wit:

Clerk of Court of Appeals, Auditor of Public Accounts, Secretary of State, Statute Revision Commission, Department of Treasury, etc.

Said bill is as follows, viz

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

There is hereby appropriated out of the General Expendi-

ture Fund in the State Treasury as of the effective date of this effective date of this Act the following sums to the offices, departments, commissions and institutions, and divisions of the State Government for the purpose of supplying deficiencies in the appropriations heretofore made for the fiscal year 1947-48.

Clerk of Court of Appeals, for ordinary recurring expenses of operation \$1,500.00

Auditor of Public Accounts, for ordinary recurring expenses of operation \$2,700.00

Secretary of State, for ordinary recurring expenses of operation \$1,800.00

Statute Revision Commission, for ordinary recurring expenses of operation and extraordinary expenses deemed necessary for the Commission \$4,600.00

State Treasury, for ordinary recurring expenses of operation \$2,105.00

DEPARTMENT OF FINANCE

Commissioner of Finance, for ordinary recurring expenses of the various divisions within the Department of Finance \$16,500.00

Public Printing Costs, not a specific charge against other budget units \$3,000.00

Paper for election ballots and General Assembly, for ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly as required by law \$3,000.00

DEPARTMENT OF WELFARE

Division of Hospitals and Mental Hygiene, for ordinary recurring expenses of operation \$552,500.00

Division of Corrections, for ordinary recurring expenses of operation \$500,750.00

Kentucky Childrens Home, for ordinary recurring expenses of operation \$45,400.00

Division of Child Welfare, for ordinary expenses of operation \$25,000.00

Old Age Assistance Payments, Aid to the Needy Blind and Aid to Dependent Children, not to be used for costs of administration \$600,000.00

DEPARTMENT OF EDUCATION

State Board of Education, for printing as required by statute \$6,000.00

Surplus Property, for ordinary recurring expenses of operation 7,000.00

Public School Lunch Program, for ordinary recurring expenses of operation to be administered by the Superintendent of Public Instruction \$8,461.30

Kentucky School for the Deaf—White, for ordinary recurring expenses of operation \$15,000.00

Lincoln Institute, for capital outlay on construction of dormitory now in progress \$93,000.00

University of Kentucky, for capital outlay on construction of Field House now in progress \$1,700,000.00

MILITARY DEPARTMENT

Adjutant General, for ordinary recurring expenses of operation \$1,253.50

Section 2.

The funds heretofore appropriated for the purposes set out in Section 1 of this Act having been either exhausted or found insufficient for the carrying on of the necessary functions of the State Government, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

H. B. No. 487. An Act appropriating money out of the General Expenditure Fund in the State Treasury for the fiscal year ending June 30, 1948, for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing of former appropriations against which such claims were chargeable.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund in the State Treasury, for the fiscal

year ending June 30, 1948, to the following named departments of the State Government, for the purpose of compensating the persons herein named for claims which have been duly audited and approved according to law but which have not been paid because of the lapsing of former appropriations against which said claims were chargeable, the sums hereinafter specified:

1. To the Department of Finance, to pay the claims of:

Geo. G. Fetter, Louisville, Kentucky	\$ 59.74
State Journal, Frankfort, Kentucky	52.50
Perry Publishing Company, Frankfort, Kentucky	17.85
C. T. Dearing Printing Co., Louisville, Kentucky	6,999.57
Sheriff's Claims	1,753.19
Perry Publishing Company, Frankfort, Kentucky	43.48
2. To the Department of Conservation, to pay the claims of:

Miller-Bryant-Pierce, Aurora, Illinois	187.00
Ky. Camera & Supply Co., Louisville, Kentucky	51.86
3. To the Department of Education, to pay the claims of:

Perry Publishing Co., Frankfort, Kentucky ..	29.70
State Journal Co., Frankfort, Kentucky	508.13
Commercial Coffee Company	36.00
Carolina Biological Supply Company	130.83
General Biological Supply Company	333.03
Perry Publishing Company, Frankfort, Ky. ..	305.70
4. To the Department of Revenue, to pay the claims of:

The Sentinel-Echo, London, Kentucky	5.00
The Kentucky New Era, Hopkinsville, Ky.	9.00
International Business Machine	2.97
Perry Publishing Company, Frankfort, Ky. ..	1,019.55
State Journal Company, Frankfort, Ky.	4.20

5. To the Department of Welfare, to pay the claims of:

Standard Brands, Inc.	100.10
Klarer Provision Company	336.11
Brooks Denhard	486.30
Skinner Bros.	158.69
American Refining Machinery Co.	247.00
General Electric Supply Co.	324.61
Fenley's Model Dairy	708.00
Health Food Products Co.	922.50
Miami Margarine Co.	129.00
Graybar Electric Co.	1,506.60
Rubel Dry Goods Co.	1,268.76
John Wiley Jones Co.	27.75
Lopez & Baker Laboratory	32.15
Standard Textile Co.	1,455.01
Films, Inc.	62.16
Dr. W. D. Sparrow	68.00
Louisville Chemical Co.	131.50
Mason-Neilan Regulator Co.	9.19
Louisville Mill Supply Co.	14.24
Louisville Feed & Mineral Co.	5.50
Geo. G. Fetter Co.	638.16
Multigraph Sales Agency	14.90
Southern Bell Telephone Co.	5.00
The Lang Company	33.60
Addressograph Sales Agency	86.74
Maxie Burns, Jailor of Clay County	13.70
Floyd Furnish, Jailor of Owen County	17.45
Geo. T. Ransdell, Jailor of Oldham County	6.85

6. To the Department of Law, to pay the claims of

Geo. G. Fetter Co.	16.79
Boundary Line Commission, Senate Resolution No. 34, travel expense of G. B. Taylor....	47.67
and Davis Williams	19.80
General Electric Corp.	60.05
Graybar Electric Co.	315.07
State Journal Co., Senate Journal, Balance ..	71.85
State Journal Co., House Journals, Balance ..	63.22

Section 2. The persons above named having in good faith furnished the services, supplies and materials indicated in Section 1 and the Commonwealth having received the bene-

fit of the same, an emergency is declared to exist and this act shall take effect upon its passage and approval by the Governor.

H. B. No. 488. An Act relating to the licensing of motor vehicles owned by Governmental units, amending Section 186.060 and Section 186.240 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 186.060 of the Kentucky Revised Statutes is amended to read as follows: Applications for registration for motor vehicles owned exclusively by a county, city, or board of education in the state, or by the state or federal government, shall be accompanied by a statement from the head of a department of the governmental unit that owns the motor vehicle certifying that the motor vehicle is exclusively owned and operated by the governmental unit. The application and statement shall be forwarded by the county clerk to the department, which shall give special authority to the clerk to register it. Upon receiving that authority, the clerk shall issue a registration receipt and the official number plate described in Section 186.240, Sub-section (3), as amended by this Act, and report the registration to the head of the department authorizing the registration. For his services in issuing such certificate of registration and number plate and reporting the same, the county clerk shall be entitled to a fee of fifty cents in each instance, to be paid by the department upon whose authorization such license was issued.

2. After such registration of any vehicle owned exclusively by the state and after issuance of such number plate for such vehicle so owned, no subsequent registration or renewal of same, and no subsequent renewal of a number plate

of said vehicle shall be necessary so long as said vehicle is owned exclusively by the state, except in the case of loss or destruction of said license plate. In the event of such loss or destruction, said number plate shall be replaced in the same manner as if no plate had ever been issued.

3. No person shall use on a motor vehicle, not exclusively owned by a county, city board of education in the state, or the state or federal government, any license plate that has been issued for use on a motor vehicle owned by such a governmental unit.

4. Section 186.240, of the Kentucky Revised Statutes is amended to read as follows:

It shall be the duty of the department to carry out the provisions of KRS 186.020 to 186.260 and in so doing shall:

(1) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in KRS 186.020 to 186.260, provided that the forms for receipts shall be designated for the writing of not less than triplicate copies, the originals of which shall be numbered consecutively for each county; the second and third copies bearing the same number as the original; and the colors of all copies shall be different and the combination of colors shall not be the same for consecutive years. Receipts to be used as duplicates for lost receipts, as provided in KRS 186.180 (1), shall be in duplicate only, and shall not be numbered.

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor numbers required by KRS 186.160.

(3) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times, a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The department shall prescribe a plate of practical form and size for police identification purposes which shall contain only the registration number, the word "Kentucky", or the abbreviation thereof, "Ky.", and the name of the county in which the plate is issued, or in lieu thereof the words "Official", "High-

way", "Executive" or "Farm", and the year for which the license is issued if the year is not evidenced as otherwise provided in this chapter; provided, however, no numerals indicating any year shall be placed upon any license plate issued under and in accordance with the provisions of Section 186.060, as amended by this Act, relating to the licensing of vehicles owned exclusively by the state.

(4) Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than December 1.

(5) Receive all moneys forwarded by the clerk in each county and turn same over to the State Treasurer for the benefit of the State Road Fund; and out of this fund there shall be appropriated to the department administering KRS 186.020 to 186.260 an amount to be expended in the manner provided by law for the administration of its functions.

(6) Require an accounting by the clerk in each county for any monies received by him under the provisions of this chapter, after the deduction of his fees under this chapter, and for all receipts, forms, plates and insignia consigned to him.

(7) When applied for under KRS 186.160, motor numbers assigned shall be distinctive to show that they were designated by the department.

By Mr. Rushing.

H. B. No. 489. An Act relating to the subject of cities, including the incorporation thereof, etc.-

Said bill is as follows, viz.:

Whereas, sanitation districts created in counties containing cities of the first class under KRS 220 are normally in need of municipal government, and a reasonable basis exists for treating such sanitation districts which contain 500 or more inhabitants differently from other sanitation districts and other areas, and

Whereas, it is deemed to be sound public policy to permit the voters of such sanitation districts to vote on the question of whether or not such territories shall be incorporated into cities, and

Whereas, the question of such incorporation is a matter relating to municipal government,

Now, Therefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The territory, exclusive of incorporated cities or towns, within any sanitation district created under chapter 220 of the Kentucky Revised Statutes within a county containing a city of the first class may be incorporated as a city with its present territorial boundaries provided such territory has at least 500 inhabitants.

Section 2. Proceedings to incorporate such territory shall be commenced by a petition signed by any registered voter living within the boundary of such territory. The petition must be filed in the circuit clerk's office and shall define or otherwise identify the area sought to be incorporated, state a proposed name for the city and request that it be incorporated as a city. The petition shall include a request that at the next general election held within the county and not to be held within sixty days after the date of the filing of the petition there shall be submitted to the qualified registered voters of the territory described in the petition the question: "Are you in favor of the incorporation of the city of, to be composed of the territory set out in proceeding No. pending in the Circuit Court?"

Section 3. At any time after twenty days after the filing of a petition to incorporate such territory, if the court finds upon a preliminary hearing that at least 500 inhabitants reside within the territory sought to be incorporated as a city, the court shall enter an order calling an election on the question of incorporation at the next general election held within

the county and not to be held within sixty days after the filing of the petition. Notice of such order shall be given by publication in two issues of some newspaper of general circulation published in the county, or, if there is none, by notices posted for at least ten days prior to the election, one at the courthouse door and three others at public places within the boundary of the proposed city.

The county court clerk shall have printed on the ballots provided for use in the territory sought to be incorporated the question: "Are you in favor of the incorporation of the city of _____, to be composed of the territory set out in proceeding No. pending in the _____ Circuit Court?" Opposite the question shall be printed "Yes" and "No" with squares for stamping a cross-mark to indicate preference. If only a part of any precinct is embraced within the territory sought to be incorporated, the clerk of the election shall mark an "X" with a black ink stencil within the squares "Yes" and "No" upon the ballots of all persons voting who reside in the precinct but not in that part of it proposed to be incorporated, before he delivers the ballots to those voters. The clerk shall cause the sheriff to deliver to the election officers in each precinct copies of the order calling the election. In the event voting machines are used in any precinct where the voters or some of them are entitled to vote on the question, the county court clerk shall have the question placed on the voting machine in the same manner as other questions to be decided by the voters but the clerk of the election shall not permit any voter to vote on the question unless he reside sin the territory sought to be incorporated.

If more than 60% of those voting on the question vote in favor of incorporation, the result of the election shall be certified to the circuit court and the circuit court shall thereupon enter its judgment declaring the city incorporated, and designating what general laws relating to cities of what class shall apply to the city until the General Assembly has assigned the city to the class to which it belongs and shall certify a copy of the judgment to the Governor of the Commonwealth of Kentucky who shall appoint officers of said city to serve until

their successors are regularly elected and have qualified. In determining what general laws relating to cities of what class shall apply to the city, the circuit court shall designate the laws relating to cities of the first class if the city has a population of 100,000 or more, the laws relating to cities of the second class if it has a population of 20,000 or more and less than 100,000, the laws relating to cities of the third class if it has a population of 8,000 or more and less than 20,000, the laws relating to cities of the fourth class if it has a population of 3,000 or more and less than 8,000, the laws relating to cities of the fifth class if it has a population of 1,000 or more and less than 3,000, and the laws relating to cities of the sixth class if it has a population of less than 1,000.

If 60% or less of those voting on such question vote in favor of incorporating the city, the city shall not be incorporated and, upon the results of the election being certified to the circuit court, the court shall enter its judgment denying incorporation. No appeal shall lie from the judgment incorporating or denying incorporation of the city.

Whenever any town or city shall be established in the manner above provided the court shall in the judgment direct the clerk of the court wherein such judgment is entered to, not later than ten days thereafter, certify a copy thereof to the Secretary of State, whose duty it shall be to properly index and file the same as a permanent record in his office.

Section 4. If any other proceedings are pending at the time this Act takes effect which are inconsistent with or which might delay or defeat the proceedings provided for hereunder, or if such other proceedings are thereafter started, and a petition is thereafter filed pursuant to the provisions of this Act to incorporate as a city territory included within such a sanitation district, such other proceedings shall be suspended, but only as to territory included in such a sanitation district, until an election is held in the incorporation proceedings and a judgment is entered after such election by the circuit court pursuant to this Act. In the event such judgment is favorable to incorporation, no further steps shall be taken in such other proceedings as to such territory within such sanitation dis-

trict. In the event the election is adverse to incorporation, no further proceedings under this Act to incorporate such territory shall be started within two years from the date of such election.

Section 5. In determining questions of fact arising under this Act, such as the number of inhabitants residing within the territory sought to be incorporated, the testimony of persons who have made a study or a count of such matters shall be competent.

Section 6. If any part of this Act is held to be unconstitutional or invalid, that fact shall not affect or render invalid the remainder or any other part of the Act, it being the intention of the General Assembly, in enacting this Act, to enact each section, subsection, clause, provision and part thereof separately.

Section 7. Whereas, present or proposed proceedings threaten to endanger the rights and property of citizens and freeholders residing within sanitation districts created under Chapter 220 of the Kentucky Revised Statutes within a county or counties containing a city or cities of the first class, an emergency is declared to exist and this Act shall become effective upon its passage and the approval of the Governor.

By Messrs. Stumbo and Hale.

H. B. No. 490. An Act relating to judicial districts; making changes in the apportionment of counties to the Twenty-fourth and Thirty-first Districts in order to comply with the meaning and intent of the Constitution with respect to division of the state into judicial districts; etc.

Said bill is as follows, viz.:

Whereas, the General Assembly has given due regard to the elements of territory, business, and population involved in the division of the state into judicial districts; and

Whereas, with such due regard, the General Assembly has found the following facts to exist:

1. That, according to recent reliable statistics, the population of Floyd County is in excess of 60,000; that such county is an industrial county in which there is an abnormal amount of litigation; and that the volume of business in the circuit court of such county is such that, when combined with the business of any other county, it is impossible for the court to transact the business without a long period of delay and serious prejudice to the rights of litigants who are unable to obtain reasonably prompt disposition of their litigation.

2. That the territory embracing the counties of Johnson, Martin and Lawrence is such as to make it convenient and advantageous that those counties be joined in one judicial district; the population of those counties is such as is contemplated by the Constitution to be included in one judicial district; and the business of the courts in those counties will be expedited by combining those counties in one judicial district.

Whereas, the General Assembly finds it to be the intent and purpose of Sections 128 and 132 of the Constitution that the General Assembly may establish such number of judicial districts as may be required by reason of the exigencies of territory, business and population, not exceeding one district for each 60,000 of population of the state, excluding the districts in counties having a population of 150,000; and that the Constitution contemplates that whether there shall be more than one county in any judicial district depends solely upon the exigencies of territory, business and population, with the express intention that the population in any district be as near to 60,000 as practicable, regardless of the number of counties therein, and with the exception prescribed in Section 138 of the Constitution that certain counties shall have the privilege of constituting separate districts even though their population is not as much as 60,000;

Now Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Twenty-Fourth and Thirty-First Judicial Districts shall hereafter be composed of the following counties:

Twenty-Fourth District. Johnson, Martin and Lawrence.

Thirty-First District. Floyd.

§ 2. The present circuit judges and Commonwealth's attorneys for the Twenty-Fourth and Thirty-First Judicial Districts, as previously constituted, shall retain their respective offices, for the terms for which they were elected, for the said districts as they have been changed under this Act, provided that the present Commonwealth's attorney for the Thirty-First district, being a resident of Knott County, shall not be entitled to retain his office unless he shall remove his residence, before the expiration of his term, into the Thirty-First District as constituted under this Act.

§ 3. The regular term of each court in the Twenty-Fourth and Thirty-First Judicial Districts shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

Twenty-Fourth District. Johnson County, at Paintsville, on the second Monday in February, the second Monday in June and the second Monday in November, twenty-four juridical days each.

Martin County, at Inez, on the second Monday in January, the second Monday in May, and the second Monday in September, eighteen juridical days each.

Lawrence County, at Louisa, on the second Monday in March, the second Monday in July, and the second Monday in October, eighteen juridical days each.

Thirty-First District. Floyd County, at Prestonsburg, on the first Monday in January, the first Monday in March, the first Monday in April, and the first Monday in May, twenty-four juridical days each; on the second Monday in August, thirty juridical days; and on the first Monday in October, twenty-four juridical days.

§ 4. This Act is intended to supersede and repeal Senate Bill No. 252 of the 1948 session of the General Assembly

to the extent of any conflict, and particularly insofar as said Senate Bill No. 252 prescribes what counties shall be assigned to the Twenty-Fourth and Thirty-First Judicial District, the terms of court in the Twenty-Fourth and Thirty-First Judicial Districts and the terms of office of the circuit judges and Commonwealth's attorneys for those districts.

By Mr. Holsclaw.

H. B. No. 491. An Act to amend Section 100.075 of the Kentucky Revised Statutes, which Act relates to zoning permits and certificates of occupancy; when required; conditions of issuance, in cities of the first class and counties containing such cities in this Commonwealth.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1—That Section 100.075 of the Kentucky Revised Statutes relating to zoning permits and certificates of occupancy when such permits and certificates are required, and the conditions of their issuance in cities of the first class and counties containing such cities in this Commonwealth be amended and re-enacted, so that as amended and re-enacted same shall read as follows:

(1) It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or structure used for trade, industry, or residence, or change the use of land, within the respective territorial jurisdictions of such city or county, without first obtaining a zoning permit or certificate of occupancy from the zoning enforcement officer. Such officer shall not issue any such permit or certificate unless the plans of and for the proposed erection, construction, reconstruction, alteration, repair or use of structures or buildings and the proposed use of land fully conform with all zoning regulations or restrictions in effect in the location involved.

(2) No such permit for the erection of any building or structure on private property shall be used unless such private property fronts on an existing or proposed public street, public highway or public road shown on the master plan and map, which gives access to the land upon which said proposed structure is to be erected, or unless the applicant for such permit establishes to the satisfaction of the zoning enforcement officer or the board that there is of record in the county an easement providing for a right of ingress and egress to the private property on which the applicant proposes to erect improvements, or that, by prescription, such applicant has such right of ingress and egress to said property. (1942, c. 176, s 9)

(3) No application for a permit for the erection of any building or structure on private property shall be approved unless the applicant for such permit establishes to the satisfaction of the zoning enforcement officer or the commission that the land involved is not subject to the subdivision control regulations as adopted by the Legislative Body of the City and the Fiscal Court of the County. If such land is subject to the subdivision control regulations, as aforesaid, then said land must have final approval of the commission as a subdivision before a zoning permit may be issued.

Section 2—Whereas this Act will expedite the administration of the Planning and Zoning affairs of the municipality and counties affected thereby and prevent confusion and uncertainty to the members of the public as to their rights and prevent confusion and uncertainty as to the planning and Zoning Commission as to the legality of their official acts, an emergency is declared to exist, and this Act shall take effect and be in force from and after its approval by the Governor.

By Mr. Lowman.

H. B. No. 492. An Act to provide for the control of rents for residential housing facilities in certain areas within the state; to establish and to authorize the establishment of rent control areas; etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definition of Terms.—As used in this act unless the context clearly requires otherwise:

(1) “Apartment” means any room or group of adjoining or connected rooms within any building which is occupied or intended to be occupied by one or more individuals as a residence, house, sleeping or lodging place together with all services, privileges, furnishings, furniture and facilities supplied in connection with the occupation thereof but the term shall not include rooms or space in any hotel, hospital, convent, monastery, asylum, public institution or college, college dormitory, dormitory operated by a non-profit corporation or organization or any residence on a farm which is occupied by any person engaged in the operation of said farm.

(2) “Building” means any building or structure, permanent or temporary, together with the land and buildings appurtenant thereto.

(3) “Rent” means consideration, including any bonus, benefit, gratuity, forced purchase of personal property, repairs or rehabilitation requirements or any payment for tenancy demanded or received for or in connection with the use or occupancy of any apartment or for the transfer of a lease of an apartment.

(4) “Tenancy” shall mean the occupancy or use by a tenant of real estate owned by a landlord under any agreement including tenancies for years, from year to year, from month to month, or from week to week and leases.

(5) “Floor area” means the entire space which is designed to be used as a floor, except that only one half of the space of a floor in any basement or attic room which is not ordinarily used as living quarters shall be deemed to be floor area.

(6) “Person” means an individual, corporation, partnership, association or any other organized group of individuals or the legal successor or representative of any of the foregoing.

(7) "Rent control area" means any area designated by or pursuant to this act as an area where abnormal conditions have resulted or threatened to result in an increase in the rents for housing accommodations inconsistent with the purposes of this act.

(8) "Landlord" means an owner, lessor, sublessor, assignee, or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations or an agent of any of the foregoing.

(9) "Tenant" means a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

Section 2. Act Applicable Where.—This act shall apply to the rental of all apartments located within any rent control area established hereby or pursuant thereto; except that this act shall not apply to apartments or buildings, the construction of which was completed after the first day of January, 1947.

(1) Each area within this state which has been established as a defense-rental area under any law of the United States and which is subject to rent control regulations promulgated under any federal law at the time this act becomes effective shall be deemed to be a rent control area subject to this act.

(2) Upon the petition of at least ten qualified voters in any county or city, the circuit court or circuit judge, or in counties having more than one circuit judge, the circuit court en banc, may order the establishment of rent control areas in addition to those hereby established or may extend the boundaries of any such area if it finds that abnormal conditions existing in any such area have resulted or threatened to result in increases in rents for housing accommodations within such area which are inconsistent with the purposes of this act. Upon a like petition the court or judge may abolish any rent control area or may diminish the boundaries of any such area, whenever it finds that the demand for residential housing facilities is not substantially in excess of available housing facilities. The petitioners for any order under this

subsection shall cause to be published in some newspaper of general circulation within the county in which the rent control area exists or is proposed, a public notice of the hearing on said petition not less than seven nor more than fifteen days before the date of said hearing. No petition for an order under this subsection shall be filed during the pendency of a petition for a similar order nor at any time within three months after the final disposition of any previous petition for a similar order. Any petition filed under this subsection shall be given precedence over all other cases pending in the court and shall be heard at the earliest possible date. Any proceeding or action in violation or prospective violation of this Act in any court for the possession of real estate in any rent control area or proposed rent control area which is pending at the time any petition under this section is filed or any such action thereafter filed shall not be tried or determined during the pendency of such petition and the circuit court shall have the power to restrain any further proceedings in any such proceeding or action.

Section 3. Maximum Rent Allowable.—(1) The maximum rent for any apartment which was rented or offered for rent prior to the effective date of this act within any rent control area within this state shall not exceed one hundred and fifteen per centum of the rent fixed for said apartment on the first day of January, 1947.

(2) The maximum rent for any apartment within any rent control area which was not rented or offered for rent prior to January 1, 1947, except a newly constructed or converted apartment completed and available for occupancy after January 1, 1947, shall not exceed ten per centum of the reasonable value thereof per annum, except that the actual cost of water, gas, electricity, maid or other service furnished in connection with any apartment may be added to the maximum rent hereby fixed but this exception shall not be construed to authorize the addition to such maximum rents of amounts expended for the repair, redecoration or maintenance of any apartment or building.

Section 4. Value of Apartment Defined.—The reasonable value of any apartment shall be:

(1) Where the building is devoted exclusively to apartments, that portion of the reasonable value of the building which is equivalent to the ratio which the number of square feet of floor area within the apartment bears to the total number of square feet of floor space within all of the apartments in the building.

(2) Where the building is devoted in part to apartments which are rented and in part to other purposes, that portion of the reasonable value of the apartments devoted to residential housing in said building which is equivalent to the ratio which the number of square feet of floor area within the apartment bears to the total number of square feet of floor area within all of the residential apartments within the building. For the purposes of this provision, the reasonable value of the apartments devoted to residential housing shall be that portion of the reasonable value of the building which is equivalent to the ratio which the number of square feet of floor area within all of the residential housing apartments bear to the total number of square feet of floor area within the building.

Section 5. Reasonable Value of Any Building.—The reasonable value of any building in any rent control area shall be

(1) the fair market value of such building shall be determined as of the first day of January, 1947, if such building was capable of being used for residential housing purposes on said first day of January, 1947; or

(2) the actual cost of remodeling, converting and furnishing (if rental is based in part on furniture in the building) such building plus the fair market value of the real estate to be determined as of January 1, 1947, if the building has been remodeled, converted or furnished since the first day of January, 1947.

Section 6. Court May Fix Rent—When.—Upon the petition of any landlord or tenant the circuit court having jurisdiction of the premises may modify the maximum rent fixed for any apartment by this act whenever it finds that because of unusual circumstances or conditions the rents fixed hereby

are grossly inadequate or grossly excessive. Upon like petition the court may fix the maximum rent for any apartment within any rent control area which was not rented or offered for rent on January 1, 1947, in accordance with Section 4 of this act. In any such action both the landlord and tenant shall be necessary parties.

Section 7. Action Brought—Landlord to Establish Reasonable Value.—In any action brought under this act where the reasonable value of any real estate shall be placed in issue, and where it shall be shown that the rent charged is in excess of that authorized for similar apartments in the same neighborhood, the burden of establishing such reasonable value shall be upon the landlord.

Section 8. Landlord and Tenant—Guilty of Misdemeanor—When.—

(1) If any landlord shall wrongfully deprive a tenant of any electric, gas, water or garbage disposal or other service which is reasonably necessary to the enjoyment of the apartment or if the landlord shall create, permit, or suffer the creation of conditions which render the apartment uninhabitable he shall be deemed guilty of a misdemeanor.

(2) Any person who shall by any payment, or other consideration, or offer of payment or consideration in addition to the rent hereby authorized, induce or attempt to induce any landlord to terminate any existing tenancy subject to this act, shall be deemed guilty of a misdemeanor.

Section 9. Landlord Liable—When.—Any landlord who shall demand or receive rent in excess of that authorized by this act for any tenancy shall be liable to the tenant for three times the amount of the overcharge or for twenty-five dollars, whichever is the greater amount, to be recovered by the tenant in an action before any court of competent jurisdiction. In any such action the landlord shall be liable for a reasonable attorney fee to be allowed by the court for the tenant. Before judgment is rendered fixing the maximum rent for any apartment rented after January 1, 1947, under Section 7 of this Act, the landlord shall be liable only for the

actual amount of any overcharge made prior to the date of such judgment.

Section 10. Judgment in Favor of Landlord—When.—No judgment for the possession of any premises subject to this act in favor of a landlord and against a tenant shall be rendered in any action unless it shall be shown (1) that six months' written notice has been given to the person in possession, requiring him to remove; or (2) that the tenant has failed to pay the lawful rent for the premises; or (3) that the tenant or any member of his household or any invitee of the tenant has injured or damaged the property unreasonably and that the tenant has refused or failed to repair or restore the same; or (4) that the tenant is committing or permitting a nuisance, or has engaged in such conduct or permitted such conduct within the premises as to render the peaceful and quiet occupation and enjoyment of other parts of the building impracticable and has failed to refused to desist therein; or (5) that the tenant has used or permitted the use of the premises for any immoral or unlawful purposes; except that any bona fide owner of the premises who desires to use or occupy same for purposes other than rental to others shall be entitled to possession thereof after giving the tenant ninety days' written notice to quit and vacate same.

Section 11. Act Applicable Only to Residential Housing Properties.—This act shall apply only to residential housing properties located in rent control areas established hereby or designated pursuant hereto.

Section 12. Effective and Expiration Dates.—This act shall become effective at the expiration of the federal law relating to rent control, or shall be effective when the federal law permits state rent control regulation to supersede federal control.

By Mr. Baker.

H. Res. No. 71. A Joint Resolution, authorizing W. W. Owen, Jr., of Daviess County, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That W. W. Owen, Jr., of Daviess County, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Daviess Circuit Court for damages resulting from damage to his crops during the years 1946 and 1947, grown on his farm in Daviess County, Kentucky, and for loss of use of his farm land during the year 1947.

Said alleged damage was caused by alleged negligence of the Commonwealth of Kentucky, through its Department of Highways, in failing to construct or cause to be constructed certain drainage ditches paralleling Kentucky State Highway No. 71, so that water is caused to back upon the lands of the said W. W. Owen, Jr., which results in damages to his crops.

Said suit shall be for a sum not in excess of \$3,600.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the Jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the Jury.

By Mr. Alford.

H. Res. No. 72. A Joint Resolution authorizing Walter Payne, of Barbourville, Knox County, Kentucky, to sue the

Commonwealth of Kentucky and the Welfare Department, or either.

Said resolution is as follows, viz.:

Whereas, it is alleged that the Welfare Department through its employees at the Danville Asylum at Danville, Kentucky, failed to notify said Walter Payne of the death of his daughter, Ethel Payne, and did prepare and ship her body to persons in another county where she was buried, thereby causing the said Walter Payne a lot of anguish and grief also the sum of \$500.00, which he had to pay for the internment and removal of the body to Knox County.

Now, Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Walter Payne, of Barbourville, Knox County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Welfare Department, or either, in the Knox Circuit Court, for damages caused by alleged negligence on the part of the Welfare Department and its employees in the performance of their duties.

Said suit shall be for a sum not in excess of \$4,000.00, to be paid from the general fund.

The Attorney General may investigate the claim herein and settle the claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General, shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

H. Res. No. 73. A Joint Resolution authorizing G. C. Corey, of Fount, Knox County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz.:

Whereas, it is alleged that the Department of Highways, in constructing the highway now joining his farm, negligently constructed the same whereby his farm has been damaged to the extent that all crops have been destroyed twice within the year of 1947, all of said damage caused by the construction of a faulty culvert running underneath said highway.

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That G. C. Corey, of Fount, Knox County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Knox Circuit Court, for property damages caused by alleged negligence on the part of the Department of Highways and its employes in the performance of their duties.

Said suit shall be for a sum not in excess of \$2,000.

The Attorney General may investigate the claim herein and settle the claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General, shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bills and said resolutions be printed and referred to the Committee on Rules.

The Speaker delivered to the Chief Clerk the following communication, viz.:

March 15, 1948

Mr. Byron Royster
Chief Clerk
House of Representatives

Dear Mr. Royster:

As Chairman of the Rules Committee, I wish to report that the following bills and resolutions have been approved today and ordered to their first reading. This is your authority to record these bills in lieu of a committee report signed by a majority of the members and will take the place of individual committee reports.

Senate Bill	66	House Bill	485
Senate Bill	105	House Bill	484
Senate Bill	120	House Bill	483
Senate Bill	148	Senate Bill	42
Senate Bill	153	Senate Res.	10
Senate Bill	205	Senate Res.	12
Senate Bill	239	Senate Res.	20
Senate Bill	247	Senate Res.	21
Senate Bill	255	Senate Res.	23
Senate Bill	268	Senate Res.	24
Senate Bill	287	Senate Res.	25
Senate Bill	293	Senate Res.	26
Senate Bill	296	Senate Res.	28
Senate Bill	297	Senate Res.	29
Senate Bill	303	Senate Res.	32
Senate Bill	307	Senate Res.	36
Senate Bill	311	Senate Res.	43
Senate Bill	312	Senate Res.	44
Senate Bill	313	Senate Res.	50
Senate Bill	315	Senate Res.	51

Senate Res.	53	House Res.	39
Senate Res.	54	House Res.	42
Senate Res.	58	House Res.	43
Senate Res.	59	House Res.	46
Senate Res.	60	House Res.	49
House Res.	14	House Res.	54
House Res.	17	House Res.	57
House Res.	18	House Res.	60
House Res.	21	House Res.	62
House Res.	25	House Res.	68
House Res.	28	House Res.	69
House Res.	38	House Res.	70

A majority of the Rules Committee today has reported the following bills to be acted upon in the Orders of the Day:

House Bill	435	Senate Bill	127
Senate Bill	155	House Bill	320
Senate Bill	156	House Res.	51
Senate Bill	132	Senate Res.	37
House Bill	48	Senate Bill	207
House Bill	351	House Bill	135
Senate Bill	195	House Bill	476
Senate Res.	56	House Bill	477
Senate Res.	31	House Bill	352
Senate Bill	233	House Bill	465
Senate Bill	234	House Bill	455
Senate Bill	235	Senate Bill	133
Senate Bill	237	Senate Bill	182
Senate Bill	173	Senate Bill	244
Senate Bill	213	House Bill	464
Senate Bill	221	Senate Bill	62
House Bill	355	Senate Bill	189
Senate Bill	160	Senate Bill	71
House Res.	19	Senate Bill	166
House Bill	304	Senate Bill	256
Senate Bill	53	House Res.	66
House Bill	436	House Bill	441
Senate Bill	89	House Res.	37
Senate Bill	182	House Bill	36

House Bill	450	Senate Bill	85
House Bill	451	Senate Bill	11
Senate Res.	39	Senate Bill	13
Senate Bill	34	Senate Bill	63
Senate Bill	90	Senate Bill	299
Senate Bill	115	Senate Bill	246
Senate Bill	143	House Bill	447
Senate Bill	242	Senate Bill	253
Senate Bill	196	House Bill	472
Senate Bill	141	House Bill	170
Senate Bill	135	House Bill	380
Senate Bill	157	Senate Bill	249
Senate Bill	112	House Bill	91
Senate Bill	113	Senate Bill	118
Senate Bill	197	House Bill	442
Senate Bill	199	House Bill	467
Senate Bill	229	House Bill	18
Senate Bill	238	House Res.	53
Senate Bill	262		

T. Herbert Tinsley, Speaker

The Committee on Rules, to which the same had been referred, reported bills and resolutions of the following titles, viz.:

S. B. No. 66. An Act amending Sub-section (2) of Section 89.590 of the Kentucky Revised Statutes, relating to the City Manager Form of Government for Cities.

S. B. No. 105. An Act relating to research in the fields of medicine and surgery; creating a Medical Research Commission with authority to provide for a research program; and making appropriations for the purpose.

S. B. No. 120. An Act relating to poultry and eggs; including provisions regulating the importing, sale and hatching of poultry, the sale of eggs, and the labeling of poultry and hatching eggs, etc.

S. B. No. 148. An Act amending Sections 410 and 411 of the Civil Code of Practice, relating to actions in which defendants are constructively summoned.

S. B. No. 153. An Act to amend Section 246 of the Constitution of the Commonwealth of Kentucky prescribing maximum salary limits for all public officers.

With Committee amendment thereto.

S. B. No. 205. An Act relating to the Highway Board of Claims, with particular reference to the time of holding meetings, amending section 176.300 of the Kentucky Revised Statutes.

S. B. No. 239. An Act relating to corporations.

S. B. No. 247. An Act relating to the Sheriff's county revenue bond, providing for payment of premium on such bond by the county where the Sheriff executes a bond with corporate surety.

S. B. No. 255. An Act relating to police court judge and police court judge pro tem in cities of the first class.

S. B. No. 268. An Act to revise and perfect the Kentucky Revised Statutes and the Codes of Practice by repealing certain provisions that have been impliedly repealed or have become obsolete, etc.

S. B. No. 287. An Act providing that the Commonwealth of Kentucky may enter into compact with any of the United States for mutual helpfulness in relation to persons convicted of crime or offenses who may be on probation or parole.

S. B. No. 293. An Act to amend Section 64.150 relating to fees of Jailers.

S. B. No. 296. An Act relating to city-county airboards in counties containing a city of the first class; amending Section 183.160 of the Kentucky Revised Statutes.

S. B. No. 297. An Act relating to state boards and commissions, with special reference to the terms of the members of certain boards and commissions.

S. B. No. 303. An Act relating to Geology; providing for a Kentucky Geological Survey to be established and operated at and within the University of Kentucky; etc.

S. B. No. 307. An Act relating to aeronautics; making provision for a State Department of Aeronautics, including its organization, personnel, and functions; etc.

S. B. No. 311. An Act to amend Sections 58.020 and 58.030 KRS, which sections are part of an Act providing for the acquisition and development of public projects by governmental units and agencies through revenue bonds, etc.

S. B. No. 312. An Act to amend sections 148.020, 148.030 and 148.040 KRS, which sections pertain to the acquisition of state parks, the issuance of revenue bonds to improve same, etc.

S. B. No. 313. An Act repealing, amending and re-enacting sub-section 2 of Section 12.050 of the Kentucky Revised Statutes relating to compensation of certain officers and employees paid from funds appropriated to statutory administrative departments.

S. B. No. 315. An Act making appropriations for expenses incident to and in connection with the office of Governor and the Governor's Mansion, and providing that said appropriations shall be in lieu of certain other appropriations.

S. B. No. 271. An Act to amend Sections 92.670, Kentucky Revised Statutes, relating to levy upon and sale of real property for taxes in cities of second class.

H. B. No. 485. An Act relating to school taxes, amending Section 160.460 of the Kentucky Revised Statutes.

H. B. No. 484. An Act relating to high school service for war veterans.

H. B. No. 483. An Act repealing Chapter 216 of the Acts of 1946.

S. B. No. 42. An Act making an appropriation to the Division of Parks, in the Department of Conservation, to provide for the laying of a water line and necessary appurtenances, from the nearest connection with the city water system of the City of Bardstown, to My Old Kentucky Home.

S. Res. No. 10. A Joint Resolution authorizing Betty Lee Hatfield, an infant nineteen years of age, by her guardian or next friend, to sue the Commonwealth of Kentucky.

S. Res. No. 12. A Joint Resolution authorizing Edmund Hoyle, and others, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

S. Res. No. 20. A Joint Resolution authorizing Maude Turner Herald to file suit against the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School, or any one or more of them.

S. Res. No. 21. A Joint Resolution authorizing and directing the payment of the claim of J. C. Williamson, of Pikeville, Ky., for the return of certain fugitives from justice, and making an appropriation for that purpose.

S. Res. No. 23. A Joint Resolution authorizing Ancil Smith and Maud Smith, of Harlan County, Ky., to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. No. 24. A Joint Resolution authorizing Fred Sloan, Administrator of the estate of Clayton Sloan to sue the Commonwealth of Kentucky.

S. Res. No. 25. A Joint Resolution authorizing H. L. Wilkerson of Dixon, Ky., to sue the Commonwealth of Kentucky.

S. Res. No. 26. A Joint Resolution authorizing James Daniel Chancey, Louisville, Kentucky, to sue the Commonwealth of Kentucky.

S. Res. No. 28. A Joint Resolution authorizing Douglas Eversole to sue the Commonwealth of Kentucky and Department of Agriculture.

S. Res. No. 29. A Joint Resolution authorizing the personal representatives of William Flannery, Grant Judd and Augustus Mainous to sue the Commonwealth of Kentucky.

S. Res. No. 32. A Joint Resolution authorizing J. V. Kelley, of Salyersville, Ky., to sue the Commonwealth of Kentucky.

S. Res. No. 36. A Joint Resolution authorizing Harvey D. Brown, of Lexington, Ky., to sue the Commonwealth of Kentucky and the Department of Welfare, or either.

S. Res. No. 43. A Joint Resolution making an appropriation for the purpose of paying the claim of A. L. P. Corder, of Cumberland, Ky., for expenses incurred as special agent of the Governor in returning a fugitive from justice, and directing the payment of the amount appropriated to the said A. L. P. Corder.

S. Res. No. 44. A Joint Resolution authorizing Anderson Hays to sue the Commonwealth of Kentucky.

S. Res. No. 50. A Joint Resolution providing for payment of ministers of the churches of Frankfort, Ky., for performing the duties of chaplain for the General Assembly.

S. Res. No. 51. A Joint Resolution repealing, amending and re-enacting Section 1 of Chapter 267 of the Acts of the General Assembly of Kentucky at its regular session 1942, and approved by the Governor March 2, 1942, so as to enable the Governor within his discretion to renew Interstate Compacts to Conserve Oil and Gas.

S. Res. No. 53. A Joint Resolution authorizing Joe Perry, of Greensburg, Ky., to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. No. 54. A Joint Resolution authorizing Raymond Clayton of Providence, Ky., to sue the Commonwealth of Kentucky.

S. Res. No. 58. A Resolution authorizing Frank Shearer, Administrator of the estate of Oral Shearer, deceased, to sue the Commonwealth of Kentucky.

S. Res. No. 59. A Joint Resolution authorizing Charles R. Hagerman, of Ohio County, of Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 60. A Joint Resolution authorizing Charles Henderson, of Lexington, Fayette County, Ky., as parent, natural guardian and next friend for and on behalf of Patricia Ann Henderson.

H. Res. No. 14. Resolution authorizing Charlie Sprowl to sue the Commonwealth.

H. Res. No. 17. A Joint Resolution authorizing W. B. Tatum to file suit against the Commonwealth of Kentucky, the Department of Highways and the Highway Patrol, or any one or more of them.

H. Res. No. 18. Resolution authorizing a suit against the Commonwealth of Kentucky.

H. Res. No. 21. A Joint Resolution authorizing H. L. Wilkerson of Dixon, Ky., to sue the Commonwealth of Kentucky.

H. Res. No. 25. Joint Resolution authorizing the removal of an unrealized account carried on the account records of the Department of Finance and the Department of the Treasury.

H. Res. No. 28. A Joint Resolution authorizing J. V. Kelley, of Salyersville, Ky., to sue the Commonwealth of Kentucky.

H. Res. No. 38. A Joint Resolution directing the Division of Parks to pay to John Stanley of Danville, Ky., certain compensation to which he is entitled for services as custodian of the Weisiger Memorial State Park.

H. Res. No. 39. A Joint Resolution authorizing Clayton Henry of Index, Morgan County, Ky., to sue the Commonwealth of Kentucky.

H. Res. No. 42. A Joint Resolution authorizing Anderson Hays to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

H. Res. No. 43. A Joint Resolution authorizing Elon Johnson, Ivan Martin, and A. E. Owen to sue Hardin County, Kentucky.

H. Res. No. 46. Joint Resolution of the General Assembly of the Commonwealth of Kentucky, authorizing Scott T. Graves of Franklin County to sue the Commonwealth of Kentucky for an amount not to exceed \$20,000.00.

H. Res. No. 49. A Joint Resolution providing for payment of ministers of the churches of Frankfort, Ky., for performing the duties of chaplain for the General Assembly.

H. Res. No. 54. A Joint Resolution authorizing Raymond Clayton of Providence, Ky., to sue the Commonwealth of Kentucky.

H. Res. No. 57. A Joint Resolution authorizing Alvin Adkins, of Paintsville, Ky., to sue the Commonwealth of Kentucky.

H. Res. No. 60. A Joint Resolution authorizing the payment of a sum of money to Mary B. Hale of Christian County, Ky., and making an appropriation for that purpose.

H. Res. No. 62. A Joint Resolution authorizing payment of the claim of A. R. Pollock, sheriff of McLean County, for

services rendered in the return of a fugitive from justice, and making an appropriation for the purpose.

H. Res. No. 68. A Joint Resolution authorizing the payment of the claim of Clarence Miller for expenses incurred as Commissioner of Finance of the Commonwealth of Kentucky and appropriating the necessary sum to pay said claim out of the General Fund.

H. Res. No. 70. A Joint Resolution providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the distribution of the money so appropriated, and declaring an emergency.

With the expression of opinion that same should pass.

Whereupon said bills and said resolutions were each and severally read at length for the first time and

Ordered placed on the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz.:

H. B. No. 462. An Act to amend Section 220.360 of the Kentucky Revised Statutes, being part of Chapter 220 of said Statutes.

H. B. No. 463. An Act to amend Section 220.510 of the Kentucky Revised Statutes, being a part of Chapter 220 of said statutes, pertaining to sanitation districts.

H. B. No. 424. An Act relating to hospitals, with particular relation to the admission of patients and the allocation of bed and room facilities.

S. B. No. 143. An Act relating to the powers of certain officers to administer official oaths and to take acknowledgments.

S. B. No. 242. An Act relating to licensing of motor vehicle operators.

H. B. No. 295. An Act relating to reports of expenditures of county road fund monies, and the publication of such reports.

S. B. No. 191. An Act relating to the budget and financial administration law of the Commonwealth, amending KRS 45.160, 45.190, 45.200 and repealing Section 34.130 of the Kentucky Revised Statutes.

S. B. No. 164. An Act relating to the establishment of group plan insurance for employes of cities and their boards and commissions.

H. B. No. 445. An Act relating to the licensing and employment of automobile mechanics.

H. B. No. 473. An Act relating to the working at hard labor of persons sentenced to the county jail.

H. B. No. 471. An Act relating to the working of prisoners outside of the walls of the prison; amending KRS 197.140.

H. B. No. 480. An Act relating to education.

S. B. No. 198. An Act permitting the payment of compensation to the treasurer of boards of education.

H. B. No. 327. An Act relating to excise taxes, providing for a tax on the sale of cigarettes, and appropriating a portion of the tax to the Common School Fund and to the Department of Welfare.

H. B. No. 428. An Act providing a fair employment practice law and establishing a commission, to be known as

the Kentucky Fair Employment Practice Commission, and defining its powers and duties.

H. B. No. 474. An Act relating to employes and organizations thereof, defining labor disputes; prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes and the scope thereof.

H. B. No. 472. An Act relating to the board of supervisors of cities of the third class; amending subsection (:) of Section 92.480 of the Kentucky Revised Statutes.

H. B. No. 130. An Act relating to payment of wages by corporations.

S. B. No. 142. An Act relating to school service for, and census enumeration of, children who are inmates of state institutions.

H. Res. No. 12. A Resolution authorizing V. B. McDaniel to sue the Commonwealth of Kentucky.

H. Res. No. 46. Joint Resolution of the General Assembly of the Commonwealth of Kentucky, authorizing Scott T. Graves, of Franklin County, to sue the Commonwealth of Kentucky, for an amount not to exceed Twenty Thousand Dollars.

H. Res. No. 63. A Joint Resolution authorizing Frank E. Moore, of Frankfort, Kentucky, to sue the Commonwealth of Kentucky.

Ordered that said bills and said resolutions be read at length the second time.

Mr. Burnley moved that the Constitutional provision as to the second reading at length of said bills and said resolutions be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and said resolutions having been dispensed with, said bills and said resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz.:

H. B. No. 254. An Act providing for the payment of certain expenses to the Judges and Commissioners of the Court of Appeals and the Circuit Judges of the Commonwealth, and imposing a tax on civil suits to further the purposes of the Act.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H. J. of February 25, 1948, ante.)

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend House Bill No. 254 in the Senate by striking out the words "General Fund" in line 9, Section 1, and substituting in lieu thereof the following:

"Revolving Fund created by Section 4 of this Act".

Amendment No. 2. Amend House Bill No. 254 by striking out the words "General Fund" in line 10, Section 2 of said bill, and substituting in lieu thereof the following:

"Revolving Fund created by Section 4 of this Act".

Amendment No. 3. Amend House Bill No. 254 in the Senate by striking out the words "General Fund" in line 17, Section 3, and substituting in lieu thereof the following:

"Revolving Fund created by Section 4 of this Act".

Amendment No. 4. Amend House Bill No. 254 in the Senate by striking out the word "in" in line 8, and the words, "a court other than the Court of Appeals to reverse" in line 8, of Section 4 of said Act, and substituting in lieu thereof the following:

"to revive".

Amendment No. 5. Amend House Bill No. 254 in the Senate by striking out the words:

"shall be disbursed for no purpose other than those provided in this Act. Any sum unexpended from said fund in any year shall remain in said fund, and may be expended under the provisions of this Act in any succeeding year."

in lines 12, 13, 14, and 15, of Section 4 of said Act, and substituting in lieu thereof the following words:

"hereby is created and designated the Judicial Expense Account, and from which fund the appropriations hereunder shall be disbursed."

Amendment No. 6. Amend House Bill No. 254 in the Senate by striking out the figure "5" in line 1 of Section 5, and substituting in lieu thereof the figure "6".

Amendment No. 7. Amend House Bill No. 254 in the Senate by striking out the figure "6" in line 1 of Section 6, and substituting in lieu thereof the figure "7".

Amendment No. 8. Amend House Bill No. 254 in the Senate by inserting therein between Section 4 and Section 6 the following:

"Section 5. In anticipation of the collection of the revenues herein provided for, and to enable the Department of

the Treasury to make timely payments under the provisions of this Act, the sum of Seventy-Five Thousand Dollars (\$75,000.00) shall be advanced from the General Fund to the Judicial Expense Account. Said sum shall be repaid to the General Fund at the close of the fiscal year 1948-49 and at the close of each fiscal year thereafter, from surpluses which shall have accumulated in the Judicial Expense Account in excess of Twenty-five Thousand Dollars (\$25,000.00). After said advancement has been paid in full, any surplus in excess of Twenty-five Thousand Dollars (\$25,000.00) which shall have accumulated to the Judicial Expense Account at the close of any fiscal year shall be transferred to and become a part of the General Fund of the Commonwealth."

And the following amendment to the title of said bill as proposed and adopted by the Senate, viz.:

Amend House Bill No. 254 in the Senate by striking the title and substituting in lie thereof the following title:

"An Act providing for the payment of certain expenses to the Judges and Commissioners of the Court of Appeals and the Circuit Judges of the Commonwealth; imposing a tax on civil suits to further the purposes of the Act; creating a Revolving Fund; providing for the advancement to the Revolving Fund from the General Fund the sum of Seventy-Five Thousand Dollars (\$75,000.00), and its repayment to the General Fund; and declaring an emergency to exist."

Said amendments to said bill were then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Earl F. Ashcraft	C. E. Baumgardner	Chas. W. Burnley
Sidney Baer	Fred Beshear	A. H. Calvert
Levi Baker	Chas. J. Bronston	Earl W. Christian
Bernhardt Bauer	Mrs. M. E. Burnett	George I. Cline

Robert Collins	W. E. McClure	Glenn Rushing
Everett T. Cooper	Ed Marcum	Mrs. Ruthford
Horace T. Cull	E. H. Martin	Dr. K. N. Salyer
Owen Deering	C. D. Moberly	LeRoy Saylor
G. I. Drury	Archie R. Moore	James J. Shannon
Henry J. Giles	Davis Moore	Paul E. Shannon
Otto W. Goff	Walter Moorman	Jesse H. Shelton
Henry C. Hale	Fred H. Morgan	Harry Smith
N. M. Hamilton	E. C. Mullins	John M. Spaulding
James P. Hanratty	Thomas A. Noe, Jr.	Chas. L. Spillman
Carson Hibbitts	Joe E. Nunn	John M. Stumbo
C. J. Holsclaw	H. S. Overby	Albert Thomason
Richard R. Houpt	H C. Patterson	G. C. Thornton
Clyde S. Howard	H. M. Pewitt	W. R. Tipton
R. N. Hubbard	J. H. Polsgrove	Wilford S. Travis
Ira W. Hulette	L. W. Preston	J. B. Veech
Laban P. Jackson	E. F. Prichard	John C. Watts
Paul S. Jonas	Hobart Rayburn	Lawrence Watts
Ernest J. Jones	Ottis Roberts	Lynn Boyd Wells
L. H. Jones	F. L. Robinson	Rodney Whitlow
Ercel Kozee	Lilburn S. Rogers	G. F. Williamson
Harry K. Lowman	Amos Runyan	Charles W. Wirsch

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Resolved that the title thereof be as amended.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had passed a bill which originated in this House of the following title, viz.:

H. B. No. 402. An Act pertaining to child labor and employment and regulation of employment of infants.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H. J. of March 4, 1948, ante.)

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend H. B. No. 402 in the Senate on Page 1 of the printed bill, in line 6, Section 1, by striking the period following the word "tasks", and inserting a comma in lieu thereof, and adding the following language:

"nor the delivery of newspapers on regularly scheduled routes."

Amendment No. 2. Amend House Bill No. 402, in the Senate, by substituting a comma for the period at the end of line 4 of Section 6 on Page 4, and adding at that point the following words:

"except that the six-day limitation shall not apply to employment as a newsboy in the sale or delivery of newspapers."

Amendment No. 3. Amend House Bill No. 402, in the Senate, by striking the word "No" in line 1, of section 12, on page 6, and inserting in lieu thereof the letter "A".

Amendment No. 4. Amend House Bill No. 402, in the Senate, in line 7 of Section 9, on page 5, by substituting a comma for the period after the word "hours" and adding at that point the following words:

"and the employment of minors 12 and 13 years of age as permitted by Section 2 of this Act."

Said amendments to said bill were then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	A. H. Calvert
Earl F. Ashcraft	Isaac M. Blevins	Earl W. Christian
Sidney Baer	Chas. J. Bronston	George I. Cline
Levi Baker	Mrs. Mary Burnett	Robert Collins
C. E. Baumgardner	Chas. W. Burnley	Horace T. Cull

Otto W. Goff	W. E. McClure	Mrs. Rutherford
N. M. Hamilton	Ed Marcum	Dr. K. N. Salyer
James P. Hanratty	E. H. Martin	James J. Shannon
Dennis Henderson	C. D. Moberly	Paul E. Shannon
Carson Hibbitts	Davis Moore	Jesse H. Shelton
E. R. Hilton	Walter Moorman	John M. Spaulding
C. J. Holsclaw	E. C. Mullins	Chas. L. Spillman
Richard R. Houpt	Joe E. Nunn	John M. Stumbo
D. W. Howard	H. M. Pewitt	Albert Thomason
R. N. Hubbard	J. H. Polsgrove	G. C. Thornton
Ira W. Hulette	L. W. Preston	W. R. Tipton
Laban P. Jackson	E. F. Prichard	John C. Watts
Kerby Jennings	Hobart Rayburn	Lawrence Watts
Paul S. Jonas	Ottis Roberts	Lynn Boyd Wells
J. Ernest Jones	F. L. Robinson	Rodney Whitlow
L. H. Jones	Amos Runyan	G. F. Williamson
Ercel Kozee	Glenn Rushing	Charles W. Wirsch

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There voted in the negative—

Clyde S. Howard

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Ordered that said bill be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had passed a bill which originated in this House of the following title, viz.:

H. B. No. 16. An Act relating to the special education of physically or mentally handicapped children; creating a Division of Special Education for Handicapped Children; providing for special educational facilities; and appropriating money therefor.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see H. J. March 1, 1948, ante.)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz.:

Amend printed copy of House Bill 16 on page 2, section 2, line 2 by inserting the words following the word "Children"

and comma (,), "Within the Bureau of Instruction in the State Department of Education,".

Said amendment to said bill was then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. J. Holsclaw	J. H. Polsgrove
Jason Alford	Richard R. Houpt	L. W. Preston
Roy W. Arnold	Clyde S. Howard	E. F. Prichard
Sidney Baer	D. W. Howard	Hobart Rayburn
Levi Baker	M. G. Howard	Ottis Roberts
Bernhardt Bauer	Ira W. Hulette	F. L. Robinson
C. E. Baumgardner	Laban P. Jackson	Lilburn S. Rogers
Fred Beshear	Kerby Jennings	Amos Runyan
Chas. J. Bronston	Paul S. Jonas	Glenn Rushing
Mrs. Mary Burnett	J. Ernest Jones	Mrs. Rutherford
Charles W. Burnley	L. H. Jones	Dr. K. N. Salyer
A. H. Calvert	Ercel Kozee	D. B. Saylor
Earl W. Christian	Harry K. Lowman	LeRy Saylor
George I. Cline	W. E. McClure	James J. Shannon
Robert Collins	Ed Marcum	Paul E. Shannon
Everett T. Cooper	E. H. Martin	Jesse H. Shelton
Perry M. Cross	C. D. Moberly	John M. Spaulding
Horace T. Cull	Archie R. Moore	Chas. L. Spillman
B. G. Davidson	Davis Moore	John M. Stumbo
G. I. Drury	Walter Moorman	Albert Thomason
Kermit Dwyer	Fred H. Morgan	G. C. Thornton
Henry J. Giles	E. C. Mullins	Wilford S. Travis
Otto W. Goff	Stanley Murphy	J. B. Veech
Henry C. Hale	Thomas A. Noe, Jr.	John C. Watts
N. M. Hamilton	Joe E. Nunn	Lawrence Watts
Dennis Henderson	Harmon S. Overby	Lynn Boyd Wells
Carson Hibbitts	H. C. Patterson	Rodney Whitlow
E. R. Hilton	H. M. Pewitt	G. F. Williamson

Ordered that said bill be delivered to the Enrolling Clerk of this House.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills and a resolution of the following titles, viz.:

S. B. No. 48. An Act amending and re-enacting KRS 132.640 relating to advancement against compensation to county tax commissioner in counties containing city of first or second class.

S. B. No. 80. An Act to repeal, amend and re-enact Section 342.121; to repeal, amend and re-enact Section 342.185; to repeal, amend and re-enact Section 342.315; to repeal, amend and re-enact Section 342.316; all being sections of the Kentucky Revised Statutes relating to Workmen's Compensation; and providing for an emergency clause.

S. B. No. 98. An Act amending KRS 215.320, relating to state aid for acquisition and operation of district tuberculosis sanatoria.

S. B. No. 147. An Act relating to safety glass in motor vehicles.

S. Res. No. 55. A Joint Resolution providing for an investigation, study and survey of the administration of school affairs within the state; authorizing the use and allocation of certain funds; and providing for a report.

Thereupon, all other business was suspended, said bills and said resolution were read at length compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills and said resolution be delivered to the Enrolling Clerk of the Senate.

ORDERS OF THE DAY

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 355. An Act defining group life insurance and prescribing provisions which must be contained in policies providing for group life insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No policy of group life insurance shall be delivered in this state unless it conforms to one of the following descriptions:

(1) A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the employer's funds or funds contributed by him, or partly from such funds and

partly from funds contributed by the insured employees. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least 75% of the then eligible employees, excluding any of whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, or all except any as to whom evidence of the individual insurability is not satisfactory to the insurer.

(c) The policy must cover at least 25 employees at date of issue.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees. No policy may be issued which provides insurance on any employee which together with any other insurance under any group life insurance policy or policies issued to the employer or to the trustees of a fund established in whole or in part by the employer exceeds \$20,000.

(2) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

(a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise.

(b) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least 75% of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least 100 persons yearly, or may reasonably be expected to receive at least 100 new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than 75% of the new entrants become insured.

(d) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by him which is repayable in installments to the creditor, or \$2,500, whichever is less.

(e) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

(3) A policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:

(a) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union or both.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least 75% of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at least 25 members at date of issue.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union. No policy may be issued which provides insurance on any union member which together with any other insurance under any group life insurance policies issued to the union exceeds \$20,000.

(4) A policy issued to the trustees of a fund established by one or more employers in the same industry and one or more labor unions or by employer members of a trade association, which trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions, subject to the following requirements:

(a) The persons eligible for insurance shall be all of the employees of the employers establishing the fund or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may

provide that the term "employees" shall include retired employees.

(b) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employers of the insured persons. The policy must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at least 100 persons at date of issue and if the fund is being established by employer members of a trade association the policy may be placed in force only if the number of employer members establishing the fund is at least 75% of the total number of employer members of the trade association, excluding from such total number any member whose employees are already insured for group life insurance.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions. No policy may be issued which provides insurance on any person which together with any other insurance under any group life insurance policy or policies issued to the employers, or any of them, or to the trustees of a fund established in whole or in part by the employers, or any of them, exceeds \$20,000.

Group Life Insurance Standard Provisions

No policy of group life insurance shall be delivered in this state unless it contains in substance the following provisions, or provisions which in the opinion of the Commissioner are more favorable to the persons insured, or at least as favorable to the persons insured and more favorable to the policyholder, provided, however, (a) that provisions (6) to (10) inclusive shall not apply to policies issued to a creditor to insure debtors of such creditor; (b) that the standard provisions required for individual life insurance policies shall not apply to group life insurance policies; and (c) that if the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a non-forfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the

insured persons and to the policyholder, but nothing herein shall be construed to require that group life insurance policies contain the same non-forfeiture provisions as are required for individual life insurance policies:

(1) A provision that the policyholder is entitled to a grace period of thirty-one days for the payment of any premium due except the first, during which grace period the death benefit coverage shall continue in force, unless the policyholder shall have given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder shall be liable to the insurer for the payment of a pro rata premium for the time the policy was in force during such grace period.

(2) A provision that the validity of the policy shall not be contested, except for nonpayment of premiums, after it has been in force for two years from its date of issue; and that no statement made by any person insured under the policy relating his insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of two years during such person's lifetime nor unless it is contained in a written instrument signed by him.

(3) A provision that a copy of the application, if any, of the policyholder shall be attached to the policy when issued, that all statements made by the policyholder or by the persons insured shall be deemed representations and not warranties, and that no statement made by any person insured shall be used in any contract unless a copy of the instrument containing the statement is or has been furnished to such person or to his beneficiary.

(4) A provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of his coverage.

(5) A provision specifying an equitable adjustment of premiums or of benefits or of both to be made in the event the age of a person insured has been misstated, such provision to contain a clear statement of the method of adjustment to be used.

(6) A provision that any sum becoming due by reason of the death of the person insured shall be payable to the beneficiary designated by the person insured subject to the provisions of the policy in the event there is no designated beneficiary as to all or any part of such sum living at the death of the person insured, and subject to any right reserved by the insurer in the policy and set forth in the certificate to pay at its option a part of such sum not exceeding \$250 to any person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the person insured.

(7) A provision that the insurer will issue to the policyholder for delivery to each person insured an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom the insurance benefits are payable, and the rights and conditions set forth in (8), (9) and (10) following.

(8) A provision that if the insurance, or any portion of it, on a person covered under the policy ceases because of termination of employment or of membership in the class or classes eligible for coverage under the policy, such person shall be entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of life insurance without disability or other supplementary benefits, provided application for the individual policy shall be made, and the first premium paid to the insurer within thirty-one days after such termination, and provided further that,

(a) The individual policy shall, at the option of such person, be on any one of the forms, except term insurance, then customarily issued by the insurer at the age and for the amount applied for;

(b) The individual policy shall be in an amount not in excess of the amount of life insurance which ceases because

of such termination, provided that any amount of insurance which shall have matured on or before the date of such termination as an endowment payable to the person insured, whether in one sum or in installments or in the form of an annuity, shall not, for the purposes of this provision, be included in the amount which is considered to cease because of such termination; and

(c) The premium on the individual policy shall be at the insurer's then customary rate applicable to the form and amount of the individual policy, to the class of risk to which such person then belongs, and to his age attained on the effective date of the individual policy.

(9) A provision that if the group policy terminates or is amended so as to terminate the insurance of any class of insured persons, every person insured thereunder at the date of such termination whose insurance terminates and who has been so insured for at least five years prior to such termination date shall be entitled to have issued to him by the insurer an individual policy of life insurance, subject to the same conditions and limitations as are provided by (8) above, except that the group policy may provide that the amount of such individual policy shall not exceed the smaller of (a) the amount of the person's life insurance protection ceasing because of the termination or amendment of the group policy, less the amount of any life insurance for which he is or becomes eligible under any group policy issued or reinstated by the same or another insurer within thirty-one days after such termination, and (b) \$2,000.

(10) A provision that if a person insured under the group policy dies during the period within which he would have been entitled to have an individual policy issued to him in accordance with (8) or (9) above and before such an individual policy shall have become effective, the amount of life insurance which he would have been entitled to have issued to him under such individual policy shall be payable as a claim under the group policy whether or not application for the individual policy or the payment of the first premium therefor has been made.

Mr. Burnley moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the negative.

Mr. Calvert moved that said bill be laid on the table.

The yeas and nays being required thereon by Mr. Calvert and Mr. Burnley were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	Ottis Roberts
Jason Alford	James P. Hanratty	F. L. Robinson
Earl F. Ashcraft	Dennis Henderson	Lilburn S. Rogers
Sidney Baer	Carson Hibbitts	Glenn Rushing
Levi Baker	C. J. Holsclaw	Mrs. Rutherford
C. E. Baumgardner	Richard R. Houpt	Dr. K. N. Salyer
Fred Beshear	R. N. Hubbard	D. B. Saylor
Isaac M. Blevins	Ira W. Hulette	LeRoy Saylor
Chas. J. Bronston	Kerby Jennings	Harry Smith
A. H. Calvert	L. H. Jones	John M. Spaulding
Robert Collins	C. D. Moberly	Chas. L. Spillman
Everett T. Cooper	Archie R. Moore	John M. Stumbo
Perry M. Cross	Walter Moorman	Albert Thomason
Horace T. Cull	E. C. Mullins	G. C. Thornton
B. G. Davidson	Stanley Murphy	W. R. Tipton
Owen Deering	H. S. Overby	Wilford S. Travis
G. I. Drury	H. C. Patterson	J. B. Veech
Henry J. Giles	J. H. Polsgrove	Charles W. Wirsch
Otto W. Goff	Hobart Rayburn	—56

Those who voted in the negative were—

Bernhardt Bauer	Paul S. Jonas	H. M. Pewitt
Chas. W. Burnley	J. Ernest Jones	Amos Runyan
George I. Cline	Ed Marcum	James J. Shannon
E. R. Hilton	Davis Moore	Rodney Whitlow
D. W. Howard	Fred H. Morgan	G. F. Williamson
Laban P. Jackson	Thomas A. Noe, Jr.	—17

Said motion was agreed to.

And so said bill was tabled.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 320.- An Act repealing Chapter 236 of the Acts of the General Assembly of 1946.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Chapter 236 of the Acts of the General Assembly of 1946, being entitled "An Act to provide for the remodeling and improving the structure and grounds formerly occupied by the state penitentiary in the city of Frankfort, and making an appropriation for the purpose thereof", be and the same hereby is repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	A. H. Calvert	Otto W. Goff
Jason Alford	Earl W. Christian	Henry C. Hale
Sidney Baer	Robert Collins	N. M. Hamilton
Levi Baker	Everett T. Cooper	Dennis Henderson
Bernhardt Bauer	Horace T. Cull	Carson Hibbitts
C. E. Baumgardner	B. G. Davidson	E. R. Hilton
Fred Beshear	Owen Deering	C. J. Holsclaw
Isaac M. Blevins	G. I. Drury	Richard R. Houpt
Chas. J. Bronston	Kermit Dwyer	D. W. Howard
Chas. W. Burnley	Henry J. Giles	M. G. Howard

R. N. Hubbard	H. C. Patterson	John M. Spaulding
Ira W. Hulette	H. M. Pewitt	Chas. L. Spillman
Laban P. Jackson	J. H. Polsgrove	John M. Stumbo
Paul S. Jonas	L. W. Preston	G. C. Thornton
J. Ernest Jones	E. F. Prichard	W. R. Tipton
L. H. Jones	Hobart Rayburn	Wilford S. Travis
Ed Marcum	F. L. Robinson	J. B. Veech
C. D. Moberly	Lilburn S. Rogers	John C. Watts
Archie R. Moore	Amos Runyan	Lawrence Watts
Walter Moorman	Glenn Rushing	Lynn Boyd Wells
Fred H. Morgan	Mrs. Rutherford	Rodney Whitlow
Stanley Murphy	Dr. K. N. Salyer	G. F. Williamson
Thomas A. Noe, Jr.	Paul E. Shannon	Charles W. Wirsch
Harmon S. Overby	Jesse H. Shelton	—71

Those who voted in the negative were—

Roy W. Arnold	W. E. McClure	James J. Shannon
Mrs. Mary Burnett	E. C. Mullins	Harry Smith
Clyde S. Howard	Ottis Roberts	Albert Thomason
Kerby Jennings	D. B. Saylor	—11

Resolved that the title thereof be as aforesaid.

Mr. Hulette moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 464. An Act relating to the annexation by cities of areas included in sanitation districts organized under Chapter 220 of the Kentucky Revised Statutes; providing that such such cities shall be liable for the debts and liabilities of the district or part thereof annexed, including revenue bonds and all other bonds and obligations, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

Section 220.530 of the Kentucky Revised Statutes is amended and reenacted to read as follows:

220.530 (2062g-54) Annexation of District and Part of District by City.

(1) Where a city annexes an entire sanitation district organized under this Chapter, the city shall be liable from and after the date of such annexation for all of the debts and liabilities of such district, including, but not by way of limitation, all revenue bonds and all debts and liabilities secured by revenues of the district, and all other bonded and floating debt of the district, and such debts and liabilities shall be payable out of the general funds of the city, and such city shall be the owner of all the property and rights of the district, and the users of sewers in the district shall be relieved from any further rentals and obligations, except that if the territory in the district becomes part of the territory in a metropolitan sewer district formed under Chapter 76 of the Kentucky Revised Statutes, such users shall pay the regular charges of such metropolitan sewer district, and the sanitation district shall thereupon be automatically dissolved.

(2) If only a portion of the sanitation district is annexed, the city shall be the owner of all the sewers within the annexed portion, and shall be liable from and after the date of such annexation for a proportionate part of the debts and liabilities of the district, as same are enumerated above in Subsection (1) such part to be determined by the ratio that the amount of rentals within the territory annexed bears to the amount of rentals in the entire district. Such city shall in the same proportion contribute a proportionate share to the cost of the operation and maintenance of a sewage disposal plant or system as long as such plant or system is used by the property within the annexed area; the users of sewers in the annexed area shall be relieved from any further rentals

or obligations to the sanitation district, and if they become part of a metropolitan sewer district shall pay the regular charges of the metropolitan sewer district.

(3) Any city annexing a portion of a sanitation district may furnish sewage disposal for the portion of the district annexed and discontinue the use of the sewage disposal plant or system of the district, and in that event the city shall be relieved from any further contribution toward the cost of operation or maintenance of the sewage disposal plant or system of the district.

Section 2.

In the event of any conflict between this Act, and particularly that portion which provides that cities annexing sanitation districts or parts thereof shall be liable for the debts and liabilities of such districts, as specified above in Subsection (1), and any law relating to the annexation of territory by cities, this Act shall prevail to the extent of such conflict, and, if necessary, annexation proceedings shall be delayed or restricted as to area to the extent necessary to permit the full assumption of such debts and liabilities by the annexing city.

Section 3.

If any part of this Act is held to be unconstitutional or invalid, that fact shall not affect or render invalid the remainder or any other part of this Act, it being the intention of the General Assembly, in enacting this Act, to enact each section, subsection, clause, provision and part thereof separately.

Section 4.

Whereas, it is possible that proceedings of cities to annex areas included in sanitation district organized under Chapter 220 of the Kentucky Revised Statutes may be completed within less than ninety days from the last day of this session of the General Assembly, and the result of such proceedings, under the existing law, will be to leave such sanitation districts and the property owners therein liable for extensive debts and obligations heretofore incurred by such districts without any corresponding benefit being conferred upon such districts and property owners therein by reason of such an-

nexation, an emergency is declared to exist and this act shall become effective immediately upon its passage and its approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	H. M. Pewitt
Jason Alford	Dennis Henderson	J. H. Polsgrove
Roy W. Arnold	Carson Hibbitts	E. F. Prichard
Earl F. Ashcraft	C. J. Holsclaw	Hobart Rayburn
Sidney Baer	Richard R. Houpt	Ottis Roberts
Levi Baker	Clyde S. Howard	F. L. Robinson
Bernhardt Bauer	D. W. Howard	Lilburn S. Rogers
C. E. Baumgardner	M. G. Howard	Amos Runyan
Fred Beshear	R. N. Hubbard	Glenn Rushing
Isaac M. Blevins	Ira W. Hulette	Mrs. Rutherford
Chas. J. Bronston	Laban P. Jackson	Dr. K. N. Salyer
Mrs. Mary Burnett	Kerby Jennings	D. B. Saylor
Chas. W. Burnley	Paul S. Jonas	LeRoy Saylor
A. H. Calvert	J. Ernest Jones	James J. Shannon
Earl W. Christian	L. H. Jones	Paul E. Shannon
George I. Cline	Ercel Kozee	Jesse H. Shelton
Robert Collins	Harry K. Lowman	Harry Smith
Everett T. Cooper	W. E. McClure	John M. Spaulding
Perry M. Cross	Ed Marcum	Chas. L. Spillman
Horace T. Cull	E. H. Martin	John M. Stumbo
B. G. Davidson	Archie R. Moore	Albert Thomason
Owen Deering	Davis Moore	G. C. Thornton
G. I. Drury	Walter Moorman	W. R. Tipton
Kermit Dwyer	E. C. Mullins	J. B. Veech
Henry J. Giles	Stanley Murphy	John C. Watts
Otto W. Goff	Thomas A. Noe, Jr.	Lawrence Watts
Henry C. Hale	Joe E. Nunn	Rodney Wihtlow
N. M. Hamilton	H. C. Patterson	G. F. Williamson

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 436. An Act to amend and re-enact Section 427.130 of the Kentucky Revised Statutes, so as to include provisions relating to procedure in the case of attachments and garnishments served upon the Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION I.

Section 427.130 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

(1) Salaries for sums due state, county, city and school board officers and employees shall be subject to attachment or garnishment.

(2) All sums due any person from the Commonwealth of Kentucky, or any agency or department thereof, and all sums due from any county school board, city or county, shall be subject to attachment or garnishment.

(3) Service of attachments or garnishments upon the Commonwealth of Kentucky shall be made by serving the head of the budget unit, through which the sum due is payable, the Commissioner of Finance, and the State Treasurer. The head of the budget unit, upon the service of an attachment, shall certify to the Commissioner of Finance the amount and the nature of the Commonwealth's obligation to the employee or other creditor. The Commissioner of Finance, in transmitting the warrant to the Treasurer for the payment of a sum subject to an attachment or garnishment, shall accompany the warrant with a written notice of the attachment or garnishment. No attachment or garnishment served upon the Commonwealth shall be valid unless the process shall specify the name of the employee, or other creditor, and the budget unit through which the sum alleged to be due is payable.

SECTION II.

Whereas, the present procedure in the service of attachments and garnishments upon the Commonwealth is inadequate, inefficient and uncertain, an emergency is declared to exist and this Act shall take effect upon its passage and upon approval of the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	Stanley Murphy
Jason Alford	James P. Hanratty	Thomas A. Noe, Jr.
Roy W. Arnold	Dennis Henderson	Joe E. Nunn
Earl F. Ashcraft	Carson Hibbitts	H. S. Overby
Sidney Baer	E. R. Hilton	H. C. Patterson
Levi Baker	Richard R. Houpt	H. M. Pewitt
Bernhardt Bauer	Clyde S. Howard	J. H. Polsgrove
C. E. Baumgardner	Ira W. Hulette	L. W. Preston
Fred Beshear	Laban P. Jackson	E. F. Prichard
Isaac M. Blevins	Kerby Jennings	Hobart Rayburn
Chas. J. Bronston	Paul S. Jonas	Ottis Roberts
Mrs. Mary Burnett	J. Ernest Jones	Amos Runyan
Chas. W. Burnley	L. H. Jones	Glenn Rushing
A. H. Calvert	Ercel Kozee	Mrs. Rutherford
Earl W. Christian	Harry K. Lowman	Dr. K. N. Salyer
George I. Cline	W. E. McClure	D. B. Saylor
Everett T. Cooper	Ed Marcum	LeRoy Saylor
Perry M. Cross	E. H. Martin	James J. Shannon
Horace T. Cull	C. D. Moberly	Paul E. Shannon
Owen Deering	Archie R. Moore	Jesse H. Shelton
G. I. Drury	Davis Moore	Harry Smith
Henry J. Giles	Walter Moorman	John M. Spaulding
Otto W. Goff	Fred H. Morgan	John M. Stumbo
Henry C. Hale	E. C. Mullins	G. C. Thornton

W. R. Tipton
J. B. Veech
John C. Watts

Lawrence Watts
Rodney Whitlow

G. F. Williamson
Charles W. Wirsch
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Those who voted in the negative were—

Robert Collins

B. G. Davidson

—2

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 351. An Act relating to juries, with particular reference to the qualification and selection of jurors.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 29.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) If a juror whose name is drawn from the drum has served in the circuit court on the regular panel within twelve months prior thereto, or if a juror summoned as a bystander has served on a jury in the circuit court as a bystander within twelve months prior thereto, such service shall be cause for challenge.

(2) No person shall be eligible to serve as a juror in any court inferior to the circuit court who has served as a juror in any inferior court within four months prior thereto, and such prior service shall be cause for challenge.

§ 2. Subsection (1) of Section 29.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The jury commissioners shall take the voters' registration books or lists and from them shall carefully select from the intelligent, sober, discreet and impartial citizens, resident housekeepers in different portions of the county,

over twenty-one years of age, the following number of names of such persons:

(a) In counties having a population of ten thousand or less, not less than one hundred and sixty-two nor more than two hundred.

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than one hundred and sixty-two and not more than three hundred.

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than five hundred nor more than six hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, one thousand.

(e) In counties having a population of more than one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Earl F. Ashcraft	N. W. Hamilton	Paul S. Jonas
Sidney Baer	James P. Hanratty	J. Ernest Jones
Levi Baker	Carson Hibbitts	L. H. Jones
A. H. Calvert	Richard R. Houpt	Ercel Kozee
Earl W. Christian	Clyde S. Howard	Harry K. Lowman
Robert Collins	M. G. Howard	W. E. McClure
Everett T. Cooper	R. N. Hubbard	Ed Marcum
Horace T. Cull	Ira W. Hulette	E. H. Martin
Owen Deering	Laban P. Jackson	Davis Moore
Otto W. Goff	Kerby Jennings	Fred H. Morgan

E. C. Mullins	Glenn Rushing	John M. Stumbo
Thomas A. Noe, Jr.	Mrs. Rutherford	Albert Thomason
J. H. Polsgrove	Dr. K. N. Salyer	Wilford S. Travis
L. W. Preston	LeRoy Saylor	John C. Watts
E. F. Prichard	Paul E. Shannon	Lawrence Watts
F. L. Robinson	Harry Smith	Rodney Whitlow
Lilburn S. Rogers	John M. Spaulding	G. F. Williamson
Amos Runyan	Chas. L. Spillman	Charles W. Wirsch

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Those who voted in the negative were—

Roy W. Arnold	Kermit Dwyer	H. M. Pewitt
Bernhardt Bauer	E. R. Hilton	Ottis Roberts
George I. Cline	D. W. Howard	James J. Shannon
Perry M. Cross	C. D. Moberly	W. R. Tipton
B. G. Davidson	Walter Moorman	
G. I. Drury	H. C. Patterson	

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Resolved that the title thereof be as aforesaid.

Mr. Lawrence Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 352. An Act amending sub-section (5) of Section 132.590 of the Kentucky Revised Statutes providing for compensation of county tax commissioners and deputies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section (5) of Section 132.590 of the Kentucky Revised Statutes be amended to read as follows:

(5) In counties in which the assessed value of property exceeds fifteen million dollars, the county tax commissioner

shall be allowed by the state as compensation to his deputies the sum of one thousand five hundred dollars for each seven and one-half million dollars of the property assessed in excess of fifteen million dollars, but the total sum allowed to any county tax commissioner as deputy hire shall not exceed seven thousand five hundred dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630. In any county assessing more than one hundred and forty million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, six thousand dollars. In any county assessing more than one hundred million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, three thousand dollars. In any county assessing more than thirty-five million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, one thousand five hundred dollars.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	George I. Cline	C. J. Holsclaw
Jason Alford	Robert Collins	Richard R. Houpt
Roy W. Arnold	Everett T. Cooper	Clyde S. Howard
Earl F. Ashcraft	Horace T. Cull	Paul S. Jonas
Sidney Baer	B. G. Davidson	J. Ernest Jones
Levi Baker	Owen Deering	L. H. Jones
Bernhardt Bauer	G. I. Drury	Ercel Kozee
C. E. Baumgardner	Kermit Dwyer	Harry K. Lowman
Chas. J. Bronston	Henry J. Giles	W. E. McClure
Paul Carter	Otto W. Goff	Ed Marcum
Earl W. Christian	Carson Hibbitts	E. H. Martin

C. D. Moberly	Ottis Roberts	Harry Smith
Davis Moore	F. L. Robinson	John M. Spaulding
Walter Moorman	Lilburn S. Rogers	John M. Stumbo
Fred H. Morgan	Amos Runyan	G. C. Thornton
E. C. Mullins	Glenn Rushing	W. R. Tipton
Stanley Murphy	Dr. K. N. Salyer	John C. Watts
Thomas A. Noe, Jr.	D. B. Saylor	Lawrence Watts
H. C. Patterson	LeRoy Saylor	Rodney Whitlow
J. H. Polsgrove	James J. Shannon	G. F. Williamson
L. W. Preston	Paul E. Shannon	Charles W. Wirsch
E. F. Prichard		—64

Resolved that the title thereof be as aforesaid.

Mr. Wirsch moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 36. An Act relating to fireworks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substance, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include the type of balloons that require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, Dago bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound.

The term "fireworks" does not include toy pistols, toy canes, toy guns or other devices in which paper caps contain-

ing twenty-five one hundredths grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or toy pistol caps containing less than twenty-five one hundredths grains of explosive compound.

Section 2. Except as hereinafter provided it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that in cities the chief of the fire department, or mayor or similar official where there is no fire department, and in counties outside of cities the county judge, shall have power to grant permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. Every such display shall be handled by a competent operator to be approved by the public official by whom the permit is granted, and shall be of such a character, and so located, discharged or fired as in the opinion of such official, after proper inspection, shall not be hazardous to property or endanger any person or persons. No permit shall be granted for such a display at any point in the State within 600 feet of any hospital, asylum or infirmary. Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Section 3. No permit shall be issued under Section 2 of this Act unless the applicant shall give bond, deemed adequate by the official to whom application for the permit is made, in a sum not less than five hundred (\$500), conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors.

Section 4. Nothing in this act shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited, or the

sale of any kind of fireworks provided the same are to be shipped directly out of the state; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for the use by military organizations.

Section 5. Any person violating the provisions of this Act shall be fined not more than one hundred dollars or imprisoned in the county jail not more than ninety days, or both.

Mr. Martin moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the negative.

Mr. Prichard offered the following amendment to said bill, viz.:

Amendment No. 1.

Amend printed copy of House Bill No. 36 on page 1, section 1, line 14.

Amend House Bill No. 36 by substituting a comma instead of a period in line 14 after the word "compound" and adding the following:

"fire underneath to propel them, firecrackers, torpedoes, Dago bombs, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound; however, the term 'fireworks' does not include the following which are classified as 'safe and sane' fireworks: sparklers, snakes, Vesuvius and spray fountains of various types, torches, fuses, colored fires, Star and Comet aerial shells without explosive charge for the purpose of making a noise, Star Mines, pinwheels, skyrockets, Roman candles, Chinese make firecrackers in size not exceeding one and one-half inches in length and one-fourth inch outside diameter, Nigger Chasers without explosive charge, airplanes of the helicopter type without explosive noise, toy pistols, toy."

Mr. Davis Moore moved that said amendment to said bill be laid on the table.

The yeas and nays being required thereon by Mr. Clyde S. Howard and Mr. Davis Moore were as follows, viz.:

Those who voted in the affirmative were—

Earl F. Ashcraft	C. J. Holsclaw	J. H. Polsgrove
Levi Baker	Clyde S. Howard	E. F. Prichard
Bernhardt Bauer	Ira W. Hulette	Hobart Rayburn
Horace T. Cull	J. Ernest Jones	Dr. K. N. Salyer
G. I. Drury	C. D. Moberly	Jesse H. Shelton
Henry C. Hale	Davis Moore	John M. Spaulding
James P. Hanratty	Walter Morman	
Carson Hibbitts	H. M. Pewitt	—22

Those who voted in the negative were—

Bernam Adams	M. G. Howard	Ottis Roberts
Jason Alford	Laban P. Jackson	F. L. Robinson
Sidney Baer	Kerby Jennings	Lilburn S. Rogers
C. E. Baumgardner	Paul S. Jonas	Amos Runyan
Earl W. Christian	L. H. Jones	Mrs. Rutherford
George I. Cline	Ercel Kozee	D. B. Saylor
Robert Collins	Ed Marcum	LeRoy Saylor
Everett T. Cooper	E. H. Martin	James J. Shannon
Perry M. Cross	Archie R. Moore	Paul E. Shannon
Owen Deering	Fred H. Morgan	Harry Smith
Henry J. Giles	E. C. Mullins	John M. Stumbo
Otto W. Goff	Stanley Murphy	G. C. Thornton
N. M. Hamilton	Thomas A. Noe, Jr.	W. R. Tipton
Dennis Henderson	Joe E. Nunn	J. B. Veech
E. R. Hilton	H. S. Overby	Rodney Whitlow
Richard R. Houpt	H. C. Patterson	G. F. Williamson
D. W. Howard	L. W. Preston	Charles W. Wirsch
		—51

Thereupon said motion was disagreed to.

Mr. Prichard moved that the House do now adopt said amendment to said bill.

The yeas and nays being required thereon by Mr. Prichard and Mr. Polsgrove were as follows, viz.:

Those who voted in the affirmative were—

Earl F. Ashcraft	C. J. Holsclaw	E. F. Prichard
Levi Baker	Richard R. Houpt	Hobart Rayburn
Bernhardt Bauer	Clyde S. Howard	Glenn Rushing
Chas. J. Bronston	Paul S. Jonas	Dr. K. N. Salyer
Chas. W. Burnley	J. Ernest Jones	D. B. Saylor
Horace T. Cull	W. E. McClure	Paul E. Shannon
B. G. Davidson	C. D. Moberly	Jesse H. Shelton
G. I. Drury	Davis Moore	John M. Spaulding
Kermit Dwyer	H. M. Pewitt	Albert Thomason
James P. Hanratty	J. H. Polsgrove	W. R. Tipton
Carson Hibbitts	L. W. Preston	Lawrence Watts

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Those who voted in the negative were—

Bernam Adams	M. G. Howard	F. L. Robinson
Jason Alford	Laban P. Jackson	Lilburn S. Rogers
Sidney Baer	Kerby Jennings	Amos Runyan
C. E. Baumgardner	L. H. Jones	Mrs. Rutherford
Isaac M. Blevins	Ercel Kozee	LeRoy Saylor
Earl W. Christian	E. H. Martin	James J. Shannon
George I. Cline	Archie R. Moore	Harry Smith
Everett T. Cooper	Fred H. Morgan	Chas. L. Spillman
Perry M. Cross	E. C. Mullins	John M. Stumbo
Owen Deering	Stanley Murphy	G. C. Thornton
Henry J. Giles	Thomas A. Noe, Jr.	J. B. Veech
Otto W. Goff	Joe E. Nunn	Rodney Whitlow
N. W. Hamilton	H. S. Overby	G. F. Williamson
E. R. Hilton	H. C. Patterson	Charles W. Wirsch
D. W. Howard	Ottis Roberts	

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Thereupon said motion was disagreed to.

And thereupon said amendment to said bill was disagreed to.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Laban P. Jackson	Lilburn S. Rogers
Jason Alford	Kerby Jennings	Amos Runyan
Sidney Baer	Paul S. Jonas	Mrs. Rutherford
C. E. Baumgardner	J. Ernest Jones	D. B. Saylor
Isaac M. Blevins	L. H. Jones	LeRoy Saylor
A. H. Calvert	Ercel Kozee	James J. Shannon
Earl W. Christian	Harry K. Lowman	Paul E. Shannon
George I. Cline	Ed Marcum	Harry Smith
Everett T. Cooper	E. H. Martin	John M. Stumbo
Perry M. Cross	Archie R. Moore	Albert Thomason
Owen Deering	Fred H. Morgan	G. C. Thornton
Henry J. Giles	E. C. Mullins	W. R. Tipton
Otto W. Goff	Stanley Murphy	Wilford S. Travis
N. M. Hamilton	Thomas A. Noe, Jr.	John C. Watts
E. R. Hilton	Joe E. Nunn	Rodney Whitlow
Richard R. Houpt	H. S. Overby	G. F. Williamson
D. W. Howard	H. C. Patterson	Charles W. Wirsch
M. G. Howard	Ottis Roberts	
Ira W. Hulette	F. L. Robinson	

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Those who voted in the negative were—

Earl F. Ashcraft	Carson Hibbitts	L. W. Preston
Levi Baker	C. J. Holsclaw	E. F. Prichard
Chas. J. Bronston	Clyde S. Howard	Hobart Rayburn
Chas. W. Burnley	C. D. Moberly	Jesse H. Shelton
G. L. Drury	Davis Moore	John M. Spaulding
Kermit Dwyer	H. M. Pewitt	Lawrence Watts
James P. Hanratty	J. H. Polsgrove	

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Mr. Clyde S. Howard offered the following amendment to the title of said bill, viz.:

Amend the title of H. B. No. 36 by adding at the end thereof the following: "This bill shall be known as the Howard-Martin-Jonas Bill."

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 435. An Act relating to revenue and taxation, providing for licensing and fixing the amount of license fees for the privilege of operating or permitting to be operated certain lawful coin or token operated vending machines or devices, and making an appropriation to the Department of Revenue for administration.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions.

(a) "Coin machine" shall mean and include any lawful coin or token-operated vending machine or device which contains no element of chance and which, as a result of depositing a coin, token or other object, automatically or by or through some mechanical operation issues or vends value received in the form of merchandise, goods, chattels, or products, renders any service, imparts any information or data of any kind or nature whatsoever, or provides entertainment or amusement; but it shall not include what are commonly known as turnstiles, parking meters, cash registers, pay toilets, postage stamp vending machines, baggage lockers, pay telephones, or coin devices used to receive toll charges for the transmission of vocal, telegraphic, facsimile or other similar messages or services rendered by any agency under the jurisdiction of the Kentucky Public Service Commission.

(b) "Token" shall include chips, checks or other articles which may be used to operate a coin machine.

(c) "Department" shall mean the Department of Revenue.

(d) "Person" shall include an individual or an unincorporated association, including a partnership, a limited part-

nership, or any other form of unincorporated enterprise owned by two or more individuals, or a corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person", as applied to a partnership, limited partnership, or any other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, the officials thereof.

Section 2. The administration of this Act is hereby vested in the Department of Revenue subject to KRS 131.130 and other provisions of law relating to the Department.

Section 3. Licenses required under this Act shall be procured by the owner of the coin machine provided, however, any operator, lessee, or other person, or their agents or receivers, shall be jointly liable with the owner for procuring the license. The license shall be in the nature of an excise tax for the privilege of engaging in the business of selling goods or services by means of coin machines and shall be based on the number and classification of machines which such person shall operate, permit to be operated, or use for gain. No person shall operate, permit to be operated, or use for gain any coin machine unless a license has been secured as provided in this Act and unless a license seal evidencing payment of the tax has been affixed to the coin machine in such manner as the Department may by regulation prescribe. No person shall operate, permit to be operated, or use for gain any coin machine which does not have on its face instructions as to its operation and what the user of the machine will receive for his purchase. Nothing in this Act shall be construed to legalize the operation of any coin machine otherwise unlawful, and the payment of the tax and the placing of evidence of such payment on an illegal machine shall be no bar to prosecution for such illegal possession or operation. Nothing in this Act shall apply to any coin machine when such machine is kept in a regular place of business of distributors or manufacturers, without being operated, for sale or lease only. Nor shall this Act be construed as authorizing or legalizing such manufacturer or other person to operate for gain such lawful coin ma-

chine without license, nor to have in their possession or offer for sale illegal coin machines.

Section 4. Applications for any licenses provided for in this Act shall be made in writing to the Department at its offices in Frankfort, Kentucky, on forms prescribed and furnished by the Department and shall be accompanied by a sworn affidavit that the operation of the coin machines for which license applications are being made is not otherwise prohibited by law.

Section 5. The Department shall issue the licenses provided for in this Act to any person making application therefor as set out herein upon payment of the following taxes:

(a) For each coin machine costing one cent (1¢) to four cents (4¢) to operate, Two Dollars (\$2.00) per annum.

(b) For each coin machine costing five cents (5¢) to nine cents (9¢) to operate, Ten Dollars (\$10.00) per annum.

(c) For each coin machine costing ten cents (10¢) or more to operate, Fifteen Dollars (\$15.00) per annum.

(d) For machines having more than one aperture through which a coin or token may be dropped to operate the machine, the tax shall be the sum determined by applying the rates prescribed above to each operture provided the total tax for a machine shall not exceed Twenty Dollars (\$20.00).

Section 6. Payment of taxes under this Act shall be made by certified or cashier's check.

Section 7. All licenses issued under this Act shall be obtained on or before July 1, and shall expire on the following June 30, of each year; provided, however, any person may procure a license to be effective only between January 1, and June 30, of any year by paying therefor a sum equal to one-half of the annual license fee required herein.

Section 8. Any person required to secure a license and to pay a tax under this Act who shall fail to secure the license and pay the tax at the time required herein shall pay a penalty of twenty per cent (20%) of the amount of the tax due and in addition thereto interest at the rate of one-half of one per cent

($\frac{1}{2}$ of 1 %) per month on the principal amount of tax during the period in which the tax is due and unpaid.

Section 9. No license shall be transferable except under rules and regulations prescribed by the Department.

Section 10. Whoever violates any of the provisions of this Act shall, upon conviction thereof, be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Whoever attaches or causes to be attached to a coin machine any fictitious evidence of tax payment purported to be issued by the Department, or a counterfeit thereof, shall upon conviction thereof be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and each separate fictitious counterfeit seal so attached or used on a coin machine shall constitute a separate and distinct offense.

Section 11. All moneys and revenues received under the provisions of this Act shall be paid into the State Treasury to the credit of the General Fund.

Section 12. For the administration of this Act there is hereby appropriated out of the General Fund to the Department Twenty-five Thousand Dollars (\$25,000.00) for the fiscal year beginning July 1, 1948, and ending June 30, 1949, and Twenty-five Thousand Dollars (\$25,000.00) for the fiscal year beginning July 1, 1949, and ending June 30, 1950.

Section 13. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 14. All laws and parts of laws in conflict herewith are hereby repealed.

Section 15. The Act is to become effective July 1, 1948.

Mr. Drury offered the following amendments to said bill, viz.:

Amendment No. 1. Amend printed copy of House Bill No. 435, on page 3, section 5,

The Department shall issue the licenses provided for in this Act to any person making application therefor as set out herein upon payment of the following taxes:

(a) For each coin machine costing five cents (5c) to nine cents (9c) to operate, Ten Dollars (\$10.00) per annum.

(b) For each coin machine costing ten cents (10c) or more to operate, Fifteen Dollars (\$15.00) per annum.

(c) For machines having more than one aperture through which a coin or token may be dropped to operate the machine, the tax shall be the sum determined by applying the rates prescribed above to each aperture provided the total tax for a machine shall not exceed Twenty Dollars (\$20.00).

(d) For machines vending commodities for the sale of which an occupational license is paid under KRS 137.050 the tax shall be one-half of the sum determined by applying the rates prescribed above.

Amendment No. 2. Amend printed copy of H. B. No. 435, on page 1, section 1, line 11, following the word "telephones", insert the following: "Coin operated candy vending machines."

Amendment No. 3. Amend printed copy of House Bill No. 435, on page 1, section 1, line 10, by adding at the end thereof the following words:

"fare or toll receiving machines or boxes,".

Said amendments to said bill were each and severally agreed to.

Mr. Cline offered the following amendments to said bill, viz.:

Amendment No. 4. Amend printed copy of H. B. No. 435, by adding thereto the following section, to be inserted between Sections 9 and 10, and numbered 9-A:

"Every municipal corporation of the Commonwealth is hereby authorized and empowered to levy a tax on coin machines as defined and provided in this act; provided, however, that any license tax so imposed by a municipal corporation

shall not, in any municipality other than a city of the first class, exceed in amount the taxes herein provided for state purposes.”

Amendment No. 5. Amend printed copy of H. B. No. 435, by substituting in lieu of Section 9 the following section:

“The licenses herein provided for shall be transferable in such manner as the Department may by regulation prescribe; provided, however, that every coin machine, as defined herein, operated, suffered or permitted to be operated, or used for gain shall at all times bear a license seal or tag evidencing payment of the tax provided for in this act.”

Said amendments to said bill were each and severally agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, and the same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Earl W. Christian	James P. Hanratty
Jason Alford	George I. Cline	Carson Hibbitts
Sidney Baer	Robert Collins	Chester J. Holsclaw
Levi Baker	Everett T. Cooper	Richard R. Houpt
Bernhardt Bauer	Horace T. Cull	Clyde S. Howard
C. E. Baumgardner	B. G. Davidson	M. G. Howard
Fred Beshear	Owen Deering	Ira W. Hulette
Isaac M. Blevins	G. I. Drury	Laban P. Jackson
Chas. J. Bronston	Kermit Dwyer	Kerby Jennings
Chas. W. Burnley	Henry J. Giles	Paul S. Jonas
A. H. Calvert	N. M. Hamilton	J. Ernest Jones

L. H. Jones	H. M. Pewitt	Paul E. Shannon
Harry K. Lowman	J. H. Polsgrove	Jesse H. Shelton
W. E. McClure	E. F. Prichard	Harry Smith
Ed Marcum	Hobart Rayburn	Chas. I. Spillman
Archie R. Moore	Ottis Roberts	John M. Stumbo
Davis Moore	F. L. Robinson	Albert Thomason
Walter Moorman	Lilburn S. Rogers	G. C. Thornton
E. C. Mullins	Amos Runyan	Wilford S. Travis
Stanley Murphy	Glenn Rushing	John C. Watts
Thomas A. Noe, Jr.	Mrs. Rutherford	Lawrence Watts
Joe E. Nunn	D. B. Saylor	Rodney Whitlow
H. C. Patterson	James J. Shannon	G. F. Williamson

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Those who voted in the negative were—

Earl F. Ashcraft	C. D. Moberly	Charles W. Wirsch
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—3

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 304. An Act repealing and re-enacting Section 70.030 Kentucky Revised Statutes relating to Deputy Sheriffs and their salaries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 70.030 of the Kentucky Revised Statutes be, and the same is, hereby repealed and reenacted so that as re-enacted said Section shall read as follows:

(1) Except as provided in subsections (2) and (3), the sheriff may, with the approval of the county court, appoint his

own deputies, and may revoke the appointment at his pleasure. Before any deputy executes the duties of his office, he shall take the oath required to be taken by the sheriff.

(2) The sheriff of each county having an assessed value of more than \$100,000,000 containing a population of less than 75,000, comprising a separate judicial district, and containing a second class city, may appoint such deputies and clerical assistants, subject to the approval of the fiscal court, as are necessary for the proper performance of the duties of his office. The sheriff with the approval of the fiscal court shall fix the salaries of the deputies and clerical assistants, but the salaries of all the deputies and clerical assistants, shall not exceed \$20,000 in any year. The fiscal court shall pay the annual salaries of the deputies and clerical assistants in monthly installments out of the county treasury.

(3) In each county containing a population of 75,000 or over, the number of deputies allowed to each deputy shall be fixed by an order entered upon the order book of the circuit court and county court, and signed by a majority of the judges of said courts. A certified copy of the order, and of any subsequent changes therein, shall, as soon as entered, be forwarded to the Department of Finance. In counties containing a population of 75,000 or over and up to 200,000, the salary of the chief deputy sheriff shall be fixed at a reasonable amount not exceeding \$2,500 per annum, and the salary of each other deputy sheriff shall be fixed at a reasonable amount not exceeding \$2,000 per annum. In counties having a population of 200,000 or more, the salary of the chief deputy, process clerk, bookkeeper, and all other deputy sheriffs, shall be fixed at a reasonable amount by the judges of the county and circuit courts.

Mr. Robinson offered the following amendment to said bill, viz.:

Amend printed copy of H. B. No. 304, on page 2, section 2, line 16, by striking the figure \$20,000 at the end of line 16 and adding in lieu thereof \$25,000.

Said amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	M. G. Howard	L. W. Preston
Jason Alford	R. N. Hubbard	Hobart Rayburn
Earl F. Ashcraft	Ira W. Hulette	Ottis Roberts
Sidney Baer	Laban P. Jackson	F. L. Robinson
Bernhardt Bauer	Kerby Jennings	Lilburn S. Rogers
C. E. Baumgardner	Paul S. Jonas	Amos Runyan
Fred Beshear	J. Ernest Jones	Glenn Rushing
Isaac M. Blevins	L. H. Jones	Mrs. Rutherford
Chas. J. Bronston	Ercel Kozee	D. B. Saylor
A. H. Calvert	W. E. McClure	LeRoy Saylor
Earl W. Christian	Ed Marcum	James J. Shannon
Geore I. Cline	E. H. Martin	Paul E. Shannon
Robert Collins	C. D. Moberly	Jesse H. Shelton
Everett T. Cooper	Archie R. Moore	Harry Smith
Horace T. Cull	Walter Moorman	John M. Spaulding
G. I. Drury	Fred H. Morgan	John M. Stumbo
Kermit Dwyer	E. C. Mullins	Albert Thomason
N. M. Hamilton	Stanley Murphy	G. C. Thornton
Carson Hibbitts	Joe E. Nunn	Wilford S. Travis
E. R. Hilton	H. S. Overby	John C. Watts
C. J. Holsclaw	H. C. Patterson	Lawrence Watts
Richard R. Houtp	H. M. Pewitt	Rodney Whitlow
Clyde S. Howard	J. H. Polsgrove	Charles W. Wirsch
D. W. Howard		—70

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Speaker vacated the Chair and designated Mr. Rayburn as Speaker Pro Tem.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 53. A Joint Resolution appropriating from the General Expenditure Fund in the State Treasury the sum of \$55.15, and authorizing and directing the payment of the same to D. D. Gullett, of Fannin, Kentucky.

Said resolution is as follows, viz.:

Whereas, D. D. Gullett, of Fannin, Kentucky, is the lawful holder of a State warrant in the amount of \$55.15, issued by the Auditor of Public Accounts on October 24, 1933, which warrant has not been paid because, through oversight and inadvertence, the same was not presented within the time prescribed by law;

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of \$55.15 is appropriated out of the General Expenditure Fund in the State Treasury, for the purpose of paying state warrant No. G-9154, dated October 24, 1933, which warrant is now held by D. D. Gullett of Fannin, Kentucky. The Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer, in favor of the said D. D. Gullett, for said amount, and the State Treasurer, upon receipt of the warrant, is directed to issue a check in favor of said D. D. Gullett in the amount of \$55.15, said check to be delivered when said warrant No. G-9154 is surrendered for cancellation.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Clyde S. Howard	J. H. Polsgrove
Jason Alford	D. W. Howard	E. F. Prichard
Earl F. Ashcraft	M. G. Howard	Hobart Rayburn
Sidney Baer	R. N. Hubbard	Ottis Roberts
Levi Baker	Ira W. Hulette	F. L. Robinson
Bernhardt Bauer	Laban P. Jackson	Lilburn S. Rogers
C. E. Baumgardner	Kerby Jennings	Amos Runyan
Fred Beshear	Paul S. Jonas	Glenn Rushing
Isaac M. Blevins	J. Ernest Jones	Mrs. Rutherford
Chas. J. Bronston	L. H. Jones	D. B. Saylor
Chas. W. Burnley	Ercel Kozee	LeRoy Saylor
A. H. Calvert	Harry K. Lowman	James J. Shannon
Earl W. Christian	W. E. McClure	Paul E. Shannon
George I. Cline	Ed Marcum	Jesse H. Shelton
Robert Collins	E. H. Martin	Harry Smith
Everett T. Cooper	C. D. Moberly	John M. Spauding
Horace T. Cull	Archie R. Moore	Chas. L. Spillman
B. G. Davidson	Davis Moore	John M. Stumbo
G. I. Drury	Fred H. Morgan	G. C. Thornton
Otto W. Goff	E. C. Mullins	Wilford S. Travis
N. W. Hamilton	Stanley Murphy	John C. Watts
James P. Hanratty	Thomas A. Noe, Jr.	Lawrence Watts
Carson Hibbitts	Joe E. Nunn	Rodney Whitlow
E. R. Hilton	H. S. Overby	G. F. Williamson
C. J. Holsclaw	H. C. Patterson	Charles W. Wirsch
Richard R. Houpt	H. M. Pewitt	

—77

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 66. A Joint Resolution authorizing L. B. Love, Lewis County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either of them.

Said resolution is as follows, viz.:

Whereas, the Department of Highways of the Commonwealth of Kentucky and its Rural Highway Division, together with its agent, the Works Progress Administration of the United States of America, in the summer of 1943, upon plans and specifications prepared and furnished by the Department of Highways of the Commonwealth of Kentucky and its Division of Rural Highways, proceeded to and did construct and erect upon the Vanceburg-Concord Road (Ky. State Highway No. 59), and across Quick's Run Creek a culvert bridge, which said culvert bridge was constructed and erected in such a wrongful and negligent manner, as to raise the creek bed at that point more than five (5) feet, thereby greatly flooding the said L. B. Love's land and doing him great damage; that during the construction of said culvert, L. B. Love made a formal and written protest to the Kentucky Department of Highways and to its Rural Highway Division but that the Kentucky Department of Highways, and its Rural Highway Division ignored his protests and proceeded to construct the said culvert bridge over Quick's Run Creek at this point in such a wrongful and negligent manner as to make said bridge act as a coffer dam and raise the pool stage above the bridge some 4½ to 5 feet, causing L. B. Love's fertile bottom lands to become marshy and flooded, thereby rendering them unusable for agricultural purposes or as pasture land, all to L. B. Love's damage in the sum of \$10,000.00;

Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That L. B. Love, of Lewis County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Lewis Circuit Court for property damages alleged to have resulted from

negligence on the part of the Department of Highways and its employes in the construction and maintenance of a state highway, as set forth in the preamble to the resolution.

Said suit shall be for a sum not in excess of \$10,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney-General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. E. Baumgardner	Earl W. Christian
Jason Alford	Fred Beshear	George I. Cline
Earl F. Ashcraft	Isaac M. Blevins	Robert Collins
Sidney Baer	Chas. J. Bronston	Everett T. Cooper
Levi Baker	Chas. W. Burnley	Horace T. Cull
Bernhardt Bauer	A. H. Calvert	B. G. Davidson

G. I. Drury	W. E. McClure	Amos Runyan
Otto W. Goff	Ed Marcum	Glenn Rushing
N. W. Hamilton	E. H. Martin	Mrs. Rutherford
James P. Hanratty	C. D. Moberly	D. B. Saylor
Carson Hibbitts	Archie R. Moore	LeRoy Saylor
E. R. Hilton	Davis Moore	James J. Shannon
C. J. Holsclaw	Fred H. Morgan	Paul E. Shannon
Richard R. Houpt	E. C. Mullins	Jesse H. Shelton
Clyde S. Howard	Stanley Murphy	Harry Smith
D. W. Howard	Thomas A. Noe, Jr.	John M. Spaulding
M. G. Howard	Joe E. Nunn	Chas. L. Spillman
R. N. Hubbard	H. S. Overby	John M. Stumbo
Ira W. Hulette	H. C. Patterson	G. C. Thornton
Laban P. Jackson	H. M. Pewitt	Wilford S. Travis
Kerby Jennings	J. H. Polsgrove	John C. Watts
Paul S. Jonas	E. F. Prichard	Lawrence Watts
J. Ernest Jones	Hobart Rayburn	Rodney Whitlow
L. H. Jones	Ottis Roberts	G. F. Williamson
Ercel Kozee	F. L. Robinson	Charles W. Wirsch
Harry K. Lowman	Lilburn S. Rogers	—77

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 51. A Joint Resolution authorizing and directing the payment of the sum of \$83.02 to Eugene Limville, for services rendered as circuit court clerk of Robertson County, Kentucky, and appropriating that amount from the State Treasury.

Said resolution is as follows, viz.:

Whereas Eugene Limville is entitled to the sum of \$83.02 out of the State Treasury for services rendered for the Commonwealth in the capacity of circuit court clerk of Robertson County, Kentucky, from January 1, 1940, to June 30, 1945, which sum has not been paid solely because, through oversight and inadvertence, the claim for the same was not submitted within the time required by statute;

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of \$83.02 is appropriated out of the General Expenditure Fund in the State Treasury, for the purpose of paying the claim of Eugene Limville, of Robertson County, Kentucky, for services rendered in the capacity of circuit court clerk from January 1, 1940, to June 30, 1945. The Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer, in favor of the said Eugene Limville for said amount, and the State Treasurer, upon presentation of the warrant, is directed to issue a check in favor of the said Eugene Limville in the amount of \$83.02.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Horace T. Cull	Kerby Jennings
Jason Alford	B. G. Davidson	Paul S. Jonas
Earl F. Ashcraft	G. I. Drury	J. Ernest Jones
Baer, Sidney	Otto W. Goff	L. H. Jones
Levi Baker	N. W. Hamilton	Ercel Kozee
Bernhardt Bauer	James P. Hanratty	Harry K Lowman
C. E. Baumgardner	Carson Hibbitts	W. E. McClure
Fred Beshear	E. R. Hilton	Ed. Marcum
Isaac M. Blevins	C. J. Holsclaw	E. H. Martin
Chas. J. Bronston	Richard R. Houpt	C. D. Moberly
Chas. W. Burnley	Clyde S. Howard	Archie R. Moore
A. H. Calvert	D. W. Howard	Davis Moore
Earl W. Christian	M. G. Howard	Fred H. Morgan
George I. Cline	R. N. Hubbard	E. C. Mullins
Robert Collins	Ira W. Hulette	Stanley Murphy
Everett T. Cooper	Laban P. Jackson	Thomas A. Noe, Jr.

Joe E. Nunn	Amos Runyan	Chas. L. Spillman
H. S. Overby	Glenn Rushing	John M. Stumbo
H. C. Patterson	Mrs. Rutherford	G. C. Thornton
H. M. Pewitt	D. B. Saylor	Wilford S. Travis
J. H. Polsgrove	LeRoy Saylor	John C. Watts
E. F. Prichard	James J. Shannon	Lawrence Watts
Hobart Rayburn	Paul E. Shannon	Rodney Whitlow
Ottis Roberts	Jesse H. Shelton	G. F. Williamson
F. L. Robinson	Harry Smith	Charles W. Wirsch
Lilburn S. Rogers	John M. Spaulding	—77

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 37. A Joint Resolution providing for the payment, to the Peoples Bank of Tompkinsville, Kentucky, of certain witness claims allowed by the Monroe Circuit Court.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Peoples Bank of Tompkinsville, Kentucky, is now the owner of certain witness claims allowed in the Monroe Circuit Court, at its regular and special terms in December, 1941, and at its regular terms in August, 1941, April, 1942, December, 1943, and April, 1944, in the total amount of thirty-one dollars.

It appearing that said claims were not presented for payment by the Commonwealth within the time prescribed by statute, and it further appearing that said claims are just claims against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by the Peoples Bank of Tompkinsville, and the statute of limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay the same, being thirty-one dollars, is hereby ap-

propriated out of the General Expenditure Fund in the State Treasury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Clyde S. Howard	J. H. Polsgrove
Jason Alford	D. W. Howard	E. F. Prichard
Earl F. Ashcraft	M. G. Howard	Hobart Rayburn
Sidney Baer	R. N. Hubbard	Ottis Roberts
Levi Baker	Ira W. Hulette	F. L. Robinson
Bernhardt Bauer	Laban P. Jackson	Lilburn S. Rogers
C. E. Baumgardner	Kerby Jennings	Amos Runyan
Fred Beshear	Paul S. Jonas	Glenn Rushing
Isaac M. Blevins	J. Ernest Jones	Mrs. Rutherford
Chas. J. Bronston	L. H. Jones	D. B. Saylor
Chas. W. Burnley	Ercel Kozee	LeRoy Saylor
A. H. Calvert	Harry K. Lowman	James J. Shannon
Earl W. Christian	W. E. McClure	Paul E. Shannon
George I. Cline	Ed Marcum	Jesse H. Shelton
Robert Collins	E. H. Martin	Harry Smith
Everett T. Copper	C. D. Moberly	John M. Spaulding
Horace T. Cull	Archie R. Moore	Chas. L. Spillman
B. G. Davidson	Davis Moore	John M. Stumbo
G. I. Drury	Fred H. Morgan	G. C. Thornton
Goff, Otto W.	E. C. Mullins	Wilford S. Travis
N. M. Hamilton	Stanley Murphy	John C. Watts
James P. Hanratty	Thomas A. Noe, Jr.	Lawrence Watts
Carson Hibbitts	Joe E. Nunn	Rodney Whitlow
E. R. Hilton	H. S. Overby	G. F. Williamson
C. J. Holsclaw	H. C. Patterson	Charles W. Wirsch
Richard R. Houpt	H. M. Pewitt	—77

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 56. A Joint Resolution providing for the payment of per diems and expenses in connection with the performance of the functions of the Legislative Council, and making an appropriation for the purpose.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the General Expenditure Fund in the State Treasury, to the Department of Finance, the sum of \$1,000, for the purpose of paying the expenses and statutory per diem of the members of the Legislative Council in attending meetings of the Council within the period prescribed by law immediately preceding the present session of the General Assembly, and for the purpose of paying the reasonable and necessary expenses of the delegates designated by the Council to represent the Council at the Conference of State Legislative Councils, Reference Agencies, and related agencies, conducted by the Council of State Governments in the city of Chicago in November, 1947.

§ 2. The Department of Finance shall issue its warrants upon the State Treasurer, in favor of the persons entitled to the payments above provided for, upon submission of vouchers by such persons.

§ 3. Whereas, through inadvertence and oversight, no funds were provided by the 1946 General Assembly for the payment of the per diem and expenses of the members of the Legislative Council, or for payment of necessary expenses in connection with the furtherance of the functions of the Council, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Clyde S. Howard	J. H. Polsgrove
Jason Alford	D. W. Howard	E. F. Prichard
Earl F. Ashcraft	M. G. Howard	Hobart Rayburn
Sidney Baer	R. N. Hubbard	Ottis Roberts
Levi Baker	Ira W. Hulette	F. L. Robinson
Bernhardt Bauer	Laban P. Jackson	Lilburn S. Rogers
C. F. Baumgardner	Kerby Jennings	Amos Runyan
Fred Beshear	Paul S. Jonas	Glenn Rushing
Isaac M. Blevins	J. Ernest Jones	Mrs. Rutherford
Chas. J. Bronston	L. H. Jones	D. B. Saylor
Chas. W. Burnley	Ercel Kozee	LeRoy Saylor
A. H. Calvert	Harry K. Lowman	James J. Shannon
Earl W. Christian	W. E. McClure	Paul E. Shannon
George I. Cline	Ed Marcum	Jesse H. Shelton
Robert Collins	E. H. Martin	Harry Smith
Everett T. Cooper	C. D. Moberly	John M. Spaulding
Horace T. Cull	Archie R. Moore	Chas. L. Spillman
B. G. Davidson	Davis Moore	John M. Stumbo
G. I. Drury	Fred H. Morgan	G. C. Thornton
Otto W. Goff	E. C. Mullins	Wilford S. Travis
N. M. Hamilton	Stanley Murphy	John C. Watts
James P. Hanratty	Thomas A. Noe, Jr.	Lawrence Watts
Carson Hibbitts	Joe E. Nunn	Rodney Whitlow
E. R. Hilton	H. S. Overby	G. F. Williamson
C. J. Holsclaw	H. C. Patterson	Charles W. Wirsch
Richard R. Houpt	H. M. Pewitt	

—77

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 465. An Act relating to parole; amending KRS 439.110 and repealing KRS 439.105 and 439.106.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 439.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (4) of this section, after any prisoner serving a sentence of ten years or less or sentences aggregating ten years or less has been confined in the penitentiary for one-half of the sentence or sentences imposed upon him by the judgment of the court in which he was convicted and sentenced, he may apply for a parole with the department.

(2) Except as provided in subsection (4) of this section, after any prisoner serving a sentence or sentences, aggregating more than ten years and not more than twenty-one years, has been confined in the penitentiary for at least six years of the sentence or sentences imposed upon him by the judgment of the court in which he was convicted and sentenced, he may apply for a parole with the department.

(3) Persons convicted for life or persons sentenced for more than twenty-one years to the penitentiary shall not apply for a parole until eight years have elapsed since the prisoner was confined in the penitentiary.

(4) Any prisoner serving a sentence of fifteen years or less, or sentences aggregating fifteen years or less, who was never confined in a penal institution on a felony charge prior to the date on which the sentence was imposed, may apply for a parole with the Department after he has been confined in the penitentiary for one-third of the sentence or sentences imposed upon him by the judgment of the court in which he was convicted and sentenced, provided that he must have served a minimum of six months.

Section 2. Sections 439.105 and 439.106 of the Kentucky Revised Statutes are repealed.

Section 3. Whereas, doubt, confusion and uncertainty exist as to what laws are applicable to the granting of paroles, an emergency is declared to exist and this Act shall take effect upon its pasage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	R. N. Hubbard	Prichard E. F.
Jason Alford	Ira W. Hulette	Hobart Rayburn
Levi Baker	Laban P. Jackson	Ottis Roberts
Bernahrtdt Bauer	Paul S. Jonas	F. L. Robinson
Fred Beshear	J. Ernest Jones	Lilburn S. Rogers
Isaac M. Blevins	L. H. Jones	Amos Runyan
Chas. J. Bronston	Harry K. Lowman	Mrs. Rutherford
Chas. W. Burnley	W. E. McClure	Paul E. Shannon
A. H. Calvert	Ed Marcum	Jesse H. Shelton
Robert Collins	E. H. Martin	Harry Smith
Horace T. Cull	Archie R. Moore	John M. Spaulding
B. G. Davidson	Davis Moore	Chas. L. Spillman
G. I. Drury	Walter Moorman	G. C. Thornton
Kermit Dwyer	Fred H. Morgan	Wilford S. Travis
N. M. Hamilton	Stanley Murphy	John C. Watts
Carson Hibbitts	Thomas A. Noe, Jr.	Lawrence Watts
C. J. Holsclaw	H. S. Overby	Rodney Whitlow
Clyde S. Howard	J. H. Polsgrove	G. F. Williamson
M. G. Howard	L. W. Preston	Charles W. Wirsch

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Those who voted in the negative were—

C. E. Baumgardner	Henry J. Giles	D. B. Saylor
Everett T. Cooper	C. D. Moberly	LeRoy Saylor

6—

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

The Speaker delivered to the Chief Clerk the following communication, viz.:

March 15, 1948

Mr. Byron Royster
Chief Clerk
House of Representatives

Dear Mr. Royster:

As Chairman of the Rules Committee, I wish to report that the following bills and resolutions have been approved today and ordered to their first reading. This is your authority to record these bills in lieu of a committee report signed by a majority of the members and will take the place of individual committee reports.

House Bill	478	House Bill	491
House Bill	486	House Res.	71
House Bill	487	House Bill	490
House Bill	488	House Bill	492
House Bill	489	House Bill	372

A majority of the Rules Committee today has reported the following bills to be acted upon in the Orders of the Day:

House Bill	378	House Res.	35
House Res.	58	Senate Res.	37
House Res.	50	House Bill	397
Senate Res.	18	House Bill	179

Very truly yours,

T. Herbert Tinsley
Speaker

Mr. John C. Watts moved that the rules be suspended for the purpose of allowing a Report of Committee.

Said motion was agreed to by a majority of the members elected.

Thereupon, the Committee on Rules, to which the same had been referred, reported bills and a resolution of the following titles, viz.:

H. B. No. 478. An Act relating to alcoholic beverages, with particular reference to the procuring or possession of a United States special tax stamp or United States license for carrying on the business of a retail dealer in alcoholic beverages.

H. B. No. 486. An Act appropriating money out of the General Expenditure Fund to supply deficiencies in appropriations heretofore made to the following offices, departments, divisions, commissions, institutions, and sub-divisions of the State Government, to wit:

Clerk of Court of Appeals, Auditor of Public Accounts, Secretary of State, Statute Revision Commission, Department of Treasury, Department of Finance, Department of Welfare, Department of Education, University of Kentucky, Lincoln Institute, The Military Department, and declaring the existence of an emergency.

H. B. No. 487. An Act appropriating money out of the General Expenditure Fund in the State Treasury for the fiscal year ending June 30, 1948, for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing of former appropriations against which such claims were chargeable.

H. B. No. 488. An Act relating to the licensing of motor vehicles owned by Governmental units, amending Section 186.060 and Section 186.240 of the Kentucky Revised Statutes.

H. B. No. 489. An Act relating to the subject of cities including the incorporation thereof, etc.

H. B. No. 491. An Act to amend Section 100.075 of the Kentucky Revised Statutes, which Act relates to zoning permits and certificates of occupancy; when required; conditions of issuance, in cities of the first class and counties containing such cities in this Commonwealth.

H. Res. No. 71. A Joint Resolution, authorizing W. W. Owen, Jr., of Daviess County, Kentucky, to sue the Commonwealth of Kentucky.

H. B. No. 490. An Act relating to judicial districts; making changes in the apportionment of counties to the Twenty-fourth and Thirty-first Districts in order to comply with the meaning and intent of the Constitution with respect to division of the state into judicial districts; etc.

H. B. No. 492. An Act to provide for the control of rents for residential housing facilities in certain areas within the state; to establish and to authorize the establishment of rent control areas; etc.

H. B. No. 372. An Act to repeal, amend and re-enact K.R.S. 386.020.

With the expression of opinion that same should pass.

Whereupon said bills and said resolutions were each and severally read at length for the first time and

Ordered placed on the Calendar.

The Chief Clerk produced and read the following communication from the Department of Education, which is as follows, viz.:

FOREWORD

The Future Farmers of America is a national organization of farm boys studying vocational agriculture in the high

schools of the country. Every state has an affiliated State Association and Hawaii and Puerto Rico have active associations. This organization plays an integral part in the training of the future farmers of the nation and through its leadership training program is very helpful in training the much needed rural leadership to man the farming industry of the nation. The Future Farmers of America creed is challenging evidence of the aims and purposes of this worthwhile youth organization and gives convincing evidence of the determination of its membership. "I believe in the future of farming" "I believe that to live and work on a good farm is pleasant as well as challenging. . . ." "I believe that rural America can and will hold true to the best traditions in our national life and that I can exert an influence in my home and community which will stand solid for my part in that inspiring task."

This bulletin sets forth many of the activities composing the leadership and recreational program of the Kentucky Association of the Future Farmers of America. It gives an interesting and challenging picture of the program of education which these farm boys are receiving and indicates beyond doubt that it makes their high school program much more interesting and valuable to them. The editing and arrangement of this bulletin was done by Mr. W. C. Montgomery, assistant supervisor of agricultural education in the State Department of Education, and Mr. Lee Harris, assistant in vocational education in the College of Education at the University of Kentucky. This bulletin should be of especial value to teachers of agriculture, Future Farmer groups and others interested in this program of vocational education. I heartily recommend this bulletin for the careful consideration of the school leaders and all of the citizens of the Commonwealth.

John Fred Williams

Superintendent of Public Instruction

PREFACE

It has long been accepted as a natural process in a democracy for people to work through an organization. It is

easy to understand why persons with common interests, whether youth or adult, should be interested in being a member of an organization which they guide and direct, and through which they may work. American farm youth living in rural communities throughout the country have common interests, surroundings, and in many cases, their objectives in life are quite similar. It is a natural, therefore, to have an organization of farm boys such as the national organization known as the Future Farmers of America.

The national organization was chartered and began its first activities in 1928. Just two years later the Kentucky Association received its charter. It has been in active operation since that time. The program of the Kentucky Association has always been built around worthwhile leadership training and recreational activities. The activities of the association add much to the interest of the boys in their formal course in vocational agriculture in high school. Through the state association and through their local chapters, Kentucky farm boys learn to speak, to preside over meetings, to participate in worthwhile community service activities and to encourage increased efficiency in farming, both on their home farms and on other farms in their community.

The Division of Vocational Education, through its field staff and its teacher training staff, has worked through the years to increase the efficiency of the total program of instruction in vocational agriculture in Kentucky. Future Farmer work has been given an important place in this program.

The contents of this bulletin should serve to acquaint Kentuckians in all walks of life with the objectives of the Future Farmer program. It should also serve to cause persons interested in the farm youth of the state to lend their support to the worthwhile educational program being operated for the members of the State Association of Future Farmers. Kentucky's youth is its greatest natural resource and the training they receive as they develop into adults will have more to do with the future of Kentucky than any other force. The program of vocational agriculture and the Future Farmers of America will do much to help develop the kind of

citizens to live in rural areas which the Kentucky of the future so sorely needs.

Watson Armstrong
State Director of Vocational Education

OFFICERS OF THE KENTUCKY ASSOCIATION

President
Gerald Penick,
Dry Ridge Chapter,
Dry Ridge, Kentucky.

1st Vice-President
Wallace Morris,
Hawesville Chapter,
Hawesville, Kentucky.

2nd Vice-President
Billy Joe Thomas,
Boyd County Chapter,
Rush, Kentucky.

Secretary
James Wilson,
Meade County Chapter,
Brandenburg, Kentucky.

Treasurer
Richard Applegate,
Fleming County Chapter,
Flemingsburg, Kentucky.

Reporter
Gene Crowley,
Hanson Chapter,
Hanson, Kentucky.

Adviser
E. P. Hilton,
State Supervisor of Agricultural Education,
Frankfort, Kentucky.

Executive Secretary
W. C. Montgomery,
Assistant Supervisor of Agricultural Education,
Frankfort, Kentucky.

ADVISORY COMMITTEE

The executive committee of the Agriculture Teachers Association, composed of the chairmen of the nine district organizations, is the advisory committee to the Kentucky Association of Future Farmers of America. The members of the advisory committee for the year 1947-48 and the districts they represent follow:

Lester Goheen, Reidland	Purchase
Ralph Alexander, Sturgis	West Kentucky
Martin Roberts, Barrett Training	Green River
*J. O. Vincent, Brownsville	South Central

* Vice-President.

G. H. England, Campbellsburg	North Central
Fred Bunker, Dry Ridge	Northern Kentucky
**Harlan Veal, Nicholasville	Bluegrass
C. O. Bertram, Wayne County	Cumberland
***Charles Hughes, Rowan County	East Kentucky

** Secretary-Treasurer

*** President.

FUTURE FARMERS OF AMERICA CREED

I believe in the future of farming, with a faith born not of words but of deeds—achievements won by the present and post generations of farmers; in the promise of better days through better ways, even as the better things we now enjoy have come up to us from the struggle of former years.

I believe that to live and work on a good farm is pleasant as well as challenging; for I know the joys and discomforts of farm life and hold an inborn fondness for those associations which, even in hours of discouragement, I can not deny.

I believe in leadership from ourselves and respect from others. I believe in my own ability to work efficiently and think clearly, with such knowledge and skill as I can secure, and in the ability of organized farmers to serve our own and the public interest in marketing the product of our toil. I believe we can safeguard those rights against practices and policies that are unfair.

I believe in less dependence on begging and more power in bargaining; in the life abundant and enough honest wealth to help make it so—for others as well as myself; in less need for charity and more of it when needed; in being happy myself and playing square with those whose happiness depends upon me.

I believe that rural America can and will hold true to the best traditions in our national life and that I can exert an influence in my home and community which will stand solid for my part in that inspiring task.

(Adopted at the 3rd National Convention of F. F. A.)

REQUIREMENTS FOR STANDARD CHAPTERS

Minimum qualifications for Standard Chapters as approved by the State Executive Committee follow:

1. Chapter officers must have been elected by June 30. Officers take office when school starts.
2. The chapter must have a functioning committee organization.
3. A challenging program of activities must have been set up early in the school year and one copy of the program submitted to the executive secretary of the Kentucky Association of F. F. A. by February 1, 1948.
4. Chapter officers must attend District Leadership Training School.
5. Chapter must participate in District F. F. A. Day.
6. Chapter must send delegates to the Kentucky F. F. A. convention, starting in 1947.
7. Provide official pins for Green Hands and Chapter Farmers.
8. Use official secretary and treasurer books.
9. Pay state and national dues by January 1, 1948.
10. Hold Father and Son Banquet, or a get-together meeting, of Future Farmers and parents during the year.
11. Participate in one or more of the following District or State contests:
 - a. State Fair Judging Contest
 - b. County or District Fair
 - c. Kentucky F. H. A. Sheep Shearing Contest
 - d. Evansville, Louisville or Bluegrass Fat Lamb Shows and Sales
 - e. Owensboro Tobacco Show and Sale
 - f. Bourbon Stock Yards Fat Cattle Show
 - g. State F. F. A. Camp
12. Own one or more shares in the Kentucky F. F. A. Co-operative, Inc.
13. Chapter must participate in one or more groups of co-operative activities.

14. Chapter must sponsor one or more community service activities.
15. One hundred per cent of members must have access to official manuals.
16. Hold a minimum of one chapter meeting per month with a planned program.

STATE PROGRAM OF ACTIVITIES

1947-1948

I. *Membership*

1. Have an active F. F. A. Chapter in each department of vocational agriculture in Kentucky.
2. Get each chapter to pay State and National dues by January 1, 1948.
3. Have at least 3 per cent of the total state membership meet qualifications and file applications for the Kentucky State Farmer Degree and provide official State Farmer Charms. Executive committee select the best qualified candidates by June 1, 1948.
4. Have at least 5 per cent of qualified Kentucky Farmers apply for American Farmer Degree. Select the best qualified applicants by April 1, 1948, and send successful candidates to National F. F. A. Convention.
5. Local chapter retain 75 per cent of graduated members for three years after graduation.
6. 100 per cent membership in F. F. A. of boys enrolled in all-day classes.
7. Recognize standard chapter by awarding certificates to those chapters meeting qualifications of a standard Chapter for the first time and seals for each year thereafter in which the requirements have been met.
8. Permit former members who were inducted into the armed forces to be reinstated in vocational agriculture and encourage these members to become candidates for the next degree.

II. *Supervised Farming*

1. Select the Star Kentucky Farmer at the 1948 state convention.
2. Hold district and state farming achievement contests in beef cattle, dairy, hogs, poultry, sheep, corn, tobacco, hay crops, farm shop, pasture improvement and home improvement. Add other enterprises if possible. Secure suitable district and state awards.
3. Hold district and state livestock cooperative contests and secure suitable state awards.
4. Secure greater participation by chapters in making use of the facilities of the Kentucky Future Farmers Cooperative in purchasing such things as beef cattle, sheep, dairy cattle, hybrid seed corn, phenothiazine and D. D. T.
5. Secure greater participation in, and secure suitable awards for, the following shows and sales: Louisville Fat Cattle Show and Sale, Tri-State Fat Lamb Show and Sale, Bluegrass Fat Lamb Show and Sale, Louisville Fat Lamb Show and Sale, and the Green River Tobacco Show and Sale.
6. Encourage a greater number of chapters to participate in Department Z of the Kentucky State Fair.
7. Hold State Livestock Judging Contests at the 1948 Kentucky State Fair in general livestock, dairy cattle, and poultry and secure suitable awards. Have each winning team represent the association in the National Judging Contests.
8. Select outstanding District Farmer in each district from the Kentucky Farmer applications.
9. Support and secure greater participation in the State F. F. A. Sheep Shearing Contest.
10. Secure sponsorship and add to program of activities a *general farm improvement* achievement contest.

III. *Cooperation*

1. Encourage chapter membership in county Farm Bureaus.

2. Have a representative on the Kentucky Farm Bureau Federation Board of Directors.
3. Provide ushers for the state Farm Bureau Convention.
4. Cooperate with the national organization and other state associations in promoting F. F. A. activities.
5. Cooperate with other agencies and organizations for the betterment of agriculture and farm life.
6. Encourage all local chapters to become members of the Kentucky Future Farmers Cooperative, Inc., and to use its services whenever possible.
7. Present gavels to state farm organizations promoting better farming.
8. Have a representative of the state association on the board of directors of the Kentucky Purebred Livestock Association.

IV. *Community Service*

1. Hold district and state Community Dairy Improvement Contests, and secure suitable awards for the winners.
2. Hold state Farm Fire Prevention contests, and secure suitable awards.
3. Cooperate with Junior Sportsmans' Clubs in local schools whenever possible.
4. Assist local farmers in the repair and construction of farm machinery.
5. Aid returning service men in obtaining information about Veterans Farm Training Program.
6. Promote the community cannery program.
7. Encourage greater use of the government tobacco stripping and grading demonstration service by chapters.
8. Encourage community service activity in the local chapter such as:

Soil testing
Butterfat testing
Poultry culling
Pest extermination

V. *Leadership*

1. Hold district and state public speaking contests, secure suitable awards, and provide a state medal for the state winner.
2. Send the winner of the State Public Speaking Contest to the Regional Contest.
3. Hold district and state Impromptu Speaking Contests, secure suitable awards, and provide a state award medal for the state winner.
4. Use good parliamentary procedure in all state meetings.
5. Set up state program of activities by the committee organization method, and have three or more Future Farmers and two advisers on each section of the program.
6. Have district federation officers elected in each of the nine District Federations; officers appoint committees at the officers training school; committees plan program of activities for the Federation, and one adviser be appointed on each committee.
7. Encourage the District Federations to hold leadership training schools early in the school year.
8. Make leadership training a definite part of the state camp program.
9. Hold district F. F. A. Days in each of the districts in the spring of 1948.
10. Require local chapters to submit their program of activities to the state association before February 1, 1948, and accomplishments on activities be submitted not later than two (2) weeks before state conventions.

VI. *Earnings and Savings*

1. Make annual budget for the association at the 1948 state meeting.
2. Audit the treasurer's books at the end of the year.
3. Hold district and state Chapter Treasurer's Book Contest, and provide a suitable award for the state winner.

4. Pay national dues by May 1, 1948.

VII. *Conduct of Meetings*

1. Hold regular state convention in August, 1948.
2. Send two voting delegates to the National F. F. A. Convention.
3. Hold district and state Chapter Meeting Contests, and provide suitable awards.
4. Hold district and state chapter Secretary's Book Contest, and provide a suitable award for the winner of the state contest.
5. Provide special training for state and district officers.
6. Have community singing at the opening of all state meeting sessions.
7. Open each state meeting with invocation.

VIII. *Scholarship*

Require Kentucky Farmer Degree candidates to have a scholastic standing above the lower quartile of their high school class.

IX. *Recreation*

1. Maintain and improve the state camp.
2. Secure more athletic equipment for the camp.
3. Hold district and state chapter music contests, and provide a suitable award for the state winner.
4. Hold district and state individual music contests in piano, vocal solo, novelty instrument, and orchestral instrument, and provide state award medals for the winners.
5. Sponsor a state F. F. A. band.
6. Encourage chapters to participate in the National F. F. A. Day Program.
7. Provide an entertainment program each day of the state convention.

X. *Information*

1. Provide funds for keeping a state association scrap-book.

2. Provide funds for taking pictures of state and local activities.
3. Publish a state newsletter two or more times during the year.
4. Hold district and state newsletter contests, and provide a suitable award for the state winner.
5. Hold district and state chapter scrapbook contests, and provide a suitable award for the state winner.
6. Work out a standard sign for use by local chapters.
7. Put on district and state radio programs.
8. Urge each chapter to prepare its chapter history.
9. State association have a suitable display at the state convention and state fair explaining Future Farmer activities.
10. Urge chapter reporters to send clippings or news items to state office each month.
11. State office send out F. F. A. news stories to county papers.
12. Recommend that pictures of state officers be sent to local newspapers throughout the state.

GENERAL RULES GOVERNING ACTIVITIES

All Activities

1. Participation in a Future Farmer activity is limited to members, in good standing, of chapters affiliated with the Kentucky Association of Future Farmers of America.
2. An active member of the F. F. A. shall be considered in good standing when:
 - a. He attends local chapter meetings with reasonable regularity.
 - b. He shows an interest in, and takes part in, the affairs of his chapter.
 - c. He pays his dues regularly.
3. Local advisers are responsible for the eligibility of all entries from their chapters, and must be ready to certify to the eligibility of a contestant when called on. An entry

made by a local adviser in a Future Farmer activitiy is considered evidence that he is willing to certfy to the eligibility of the entry.

4. Future Farmers participating in F. F. A. activities should have their official F. F. A. membership cards with them and be ready to present them if asked to do so.

State Meeting Contests

1. Participation is limited to Future Farmers who are regularly enrolled high-school students of vocational agriculture, unless specified otherwise in the rules governing certain contests. Future Farmers who graduate from high school in the spring are eligible to compete in the state meeting contests held that summer. A member is eligible for certain contests if he retains active membership for three years after graduation, or until he may become 21 years of age, whichever length of time is greater. No member may retain active membership beyond his 25th birthday.
2. A Future Farmer who has previously won a state contest is thereafter ineligible to participate in the same contest. This rule shall not apply to teams or members thereof.
3. Only winners of district elimination contests are eligible to participate in state contests. Should circumstances prevent the first-place winner of a district contest from participating in the state contest, the second-place winner becomes eligible to represent the district in that contest.
4. All contestants shall comply with the rules governing that contest.
5. Unless otherwise provided for, only first-place winners shall be judged.
6. The executive committee of the Kentucky Association of Teachers of Vocational Agriculture shall be responsible for securing competent and impartial judges for all state contests.

District Contests

1. District elimination contests shall be held in connection with the district F. F. A. Day.

2. Entries in district contests shall be made by the advisers of local chapters.
3. A chapter may make entries only in the district in which it is located. Districts for Future Farmers contests shall be the same as for the Kentucky Association of Teachers of Vocational Agriculture.
4. A chapter is limited to one entry in each elimination contest.
5. Eligibility requirements in district contest shall be the same as for the final state contest.
6. Unless otherwise provided for, first-, second- and third-place winners will be judged in district contests.
7. The activities committee, or field day committee, of the district teachers association shall be responsible for securing competent and impartial judges for all district contests.

These rules and the rules pertaining to specific contests shall not be altered, modified, or set aside in district or state contests. The executive committee of the Kentucky Association of F. F. A. has sole power of changing or setting up rules governing F. F. A. contests. Rules or changes must be approved by the executive committee of the Kentucky Association of Teachers of Vocational Agriculture.

THE STAR KENTUCKY FARMER

The most outstanding Kentucky Farmer candidate each year is designated as the *Star Kentucky Farmer*, and receives the Star Farmer award.

The award is designed to give recognition to all of the boys who qualify for the Kentucky Farmer degree, as well as to the most outstanding member of this group. It is expected, also, that the award will encourage the Future Farmers in Kentucky to further improve their supervised farming programs.

Selection of the Star Kentucky Farmer will be made from the group of boys receiving the Kentucky Farmer degree that year, and will be based on the following criteria:

1. Supervised farming program:
 - a. Present.
 - b. Past.
2. Labor earnings from supervised farming.
3. Investment in farming and net worth.
4. Leadership and cooperative activities.
5. Participation in other F. F. A. activities.

In 1943, the Kentucky Farmers Home Journal, Louisville, awarded an attractive wrist watch to the Star Kentucky Farmer, and in the future, this farm magazine will provide a suitable award to the individual selected for this honor. Winners to date follow:

1942—Calvert Kelsey—Stamping Ground
1943—Charles V. Bean—Bardstown
1944—William Vallandingham—Sadieville
1945—John Roderer—Jeffersontown
1946—Joe D. Whittington—Bloomfield
1947—Eddie Mylor—Gallatin County

PUBLIC SPEAKING CONTEST

The Kentucky F. F. A. Public Speaking Contest is sponsored by the Courier-Journal and Louisville Times. Probably no activity has a more important place in leadership training than public speaking and training for public speaking. Every chapter should have a representative.

General Plan

The public speaking contest is designed to help train and develop Kentucky farm boys for rural and agricultural leadership. The general plan for the contest is adapted from the rules of the National F. F. A. Public Speaking Contest. The winner of the state contest will represent Kentucky in the regional contest. Preliminary contests will be held in local chapters and in each of the nine districts in Kentucky.

Rules

1. The speech of each contestant is to be the result of his own efforts. Training in both composition and delivery

is limited to the facilities and faculty of the school from which the contestant comes. Facts and working data may be secured from any source.

2. Contestants may choose their own subjects for their speeches. Any current subject of an agricultural character and of general interest to the public will be acceptable.
3. Each speech shall be limited to 10 minutes, and 5 minutes additional time will be allowed each contestant in which to defend his production on questions which shall be asked by the judges.
4. The speeches shall be judged by three persons, who represent as far as possible, the fields of agriculture, business and education.
5. Each contestant shall submit to the person in charge at the time of the contest three typewritten copies of his speech to be used by the judges. The same procedure will be followed in the state contest.
6. Contestants shall draw for order of speaking. Each contestant shall be introduced by the chairman.
7. A timekeeper will record the overtime, if any. Deductions will be made as provided by the score sheet. The timekeeper will stand when a speaker's 10 minutes is up.
8. The judges will be expected to select the winner of the contest using the official score sheet only to supplement their combined opinion.
9. The winner of the state contest will represent Kentucky in the regional contest.

Awards

Cash prizes amounting to \$130 will be awarded in district and state contests by The Courier-Journal and Louisville Times. A grand prize of \$50 will be awarded the winner of the state contest. A district prize of \$10 will be awarded the winner of the first place in each district except the district represented by the winner of the state contest.

In addition to the cash prizes, the official F. F. A. speaker's medal will be awarded each district winner, by the Kentucky Association of Future Farmers of America.

The winner of the state contest will represent Kentucky in the Central Regional Contest, and will receive an award of \$50 from The Courier-Journal and Louisville Times.

Special Award

The Future Farmer Foundation, Inc., will give \$100 to the winner of the state contest.

National Awards

Medals and certificates will be awarded to the contestants by the National Organization of Future Farmers of America. The Future Farmers Foundation, Inc., will give cash prizes as follows:

1st place	\$250.00
2nd place	225.00
3rd place	200.00
4th place	175.00
5th place*	150.00

* Offered only in case Hawaii or Puerto Rico participate.

KENTUCKY F. F. A. PUBLIC SPEAKING CONTEST

Judges' Score Sheet

[illegible]

Explanation of Score-Sheet Points

1. Voice includes:
 - Quality
 - Pitch
 - Force
 - Pronunciation
2. Stage presence, includes:
 - Personal appearance
 - Poise and body posture
 - Attitude
 - Confidence
 - Personality
 - Ease before audience
3. Power of expression, includes:
 - Fluency
 - Emphasis
 - Directness
 - Sincerity
 - Communicativeness
 - Conveyance of thought and meaning
4. Content of speech, includes:
 - Importance and appropriateness of the subject
 - Suitability of material used
 - Accuracy of statements made
 - Evidence of purpose
5. Composition of speech, includes:
 - Organization of the content
 - Unity of thought
 - Logical development
 - Language
 - Accomplishment of purpose
6. General effect, includes:
 - Extent to which the speech was interesting, understandable, convincing, pleasing, and held attention.
7. Response to question, includes:
 - Ability to satisfactorily answer the questions on the speech which are asked by the judges, indicating origi-

nality, familiarity with subject, and ability to think quickly.

IMPROMPTU SPEAKING CONTEST

The Impromptu Speaking Contest is sponsored by the Dairy Products Association of Kentucky. It is one of the features of the activity and leadership training program. Attractive district and state prizes are provided by the sponsor. Subjects since the beginning of the contest follow:

1937—The Place of Dairying in Kentucky's Planned Agriculture

1938—The Importance of Quality in Dairy Products

1939—Profitable Dairying Through Efficient Feeding

1940—Greater Profits Through Selection and Breeding

1941—The Importance of Quality Dairy Products to National Defense

1942—Dairy Products for a World at War

1943—More Milk and Cream per Farm, per Cow, per Man

1944—Increasing Dairy Production Through the Small Herd

1945—Efficiency Pays in Dairying

1946—Dairying in Kentucky's Post-War Agriculture

1947—The Place of Dairying in the Farming Program

1948—(To be selected)

Rules

1. Approximately 30 minutes before the contest is to start, all contestants shall assemble in a room, preferably adjacent to the stage or scene of the contest. A referee shall supervise the drawing of subjects and shall notify contestants when they are to speak. Contestants shall draw for order of appearance. After order of appearance is determined, Speaker Number One shall draw his subject from a hat 20 minutes before he is to speak. Six minutes later, speaker number two will draw his subject, and so on until all speakers have drawn subjects.
2. Each speaker shall be limited to 6 minutes.
3. A score sheet (herewith presented) shall be used by judges, seated apart in the room.

4. Each local chapter should provide for a local contest. Teachers are urged to have local persons interested in dairying offer local prizes when possible.
5. Judges for the chapter contest shall be selected by the local high school faculty. (It is suggested that at least one of the judges be a dairyman or a person well informed on dairy problems.)
6. Local contests shall be held in time to send the winner to the district contest. (Date of district contest to be announced by district chairman.)
7. Three judges for each district, one to be designated as chairman, are to be selected by the executive committee of the Kentucky Association of Teachers of Vocational Agriculture.
8. The state contest shall be held at the time of the state convention of Future Farmers of America.
9. Three judges shall be selected by the Contest Committee of the Dairy Products Association of Kentucky to judge the state contest.
10. A contestant shall not be eligible to represent his school in both the impromptu and public speaking contests.

Awards

Cash prizes amounting to \$130 will be awarded in district and state contests. A district prize of \$10 will be awarded the winner of each district contest except the district represented by the winner of the state contest. State prizes will be awarded the winners as follows: First prize \$35, Second prize \$10, Third prize \$5. Representatives of the Dairy Products Association of Kentucky will be present at the state convention banquet to award the premium checks.

In addition to the cash prizes, the official F. F. A. bronze speaker's medal will be awarded each district winner by the Kentucky Association of Future Farmers of America.

Judge's Score Sheet

Items to be Scored	Points Allowed	1	2	3	4	5	6	7	
1. Content	25								
2. Composition	15								
3. Voice	15								
4. Stage presence	15								
5. Power of expression	15								
6. General effect	15								
Total Scores	100								

Explanation of Score Sheet Points

Voice, includes

Quality

Pitch

Force

Articulation

Pronunciation

General effect, includes

Extent to which the speech was interesting, understandable, convincing, and pleasing, and to which it held attention.

Stage presence, includes

Personal appearance

Poise and body posture

Attitude

Confidence

Personality

Ease before audience

Content of the speech, includes

Suitability of the material used

Accuracy of the statements included

Evidence of purpose

Power of expression, includes

Fluency

Emphasis

Directness
Sincerity
Communicativeness
Conveyance of thought and meaning

Composition of the speech, includes
Organization of the content
Unity of thought
Logical development
Language
Sentence structure
Accomplishment of purpose, conclusions

Note—The subject and an analysis of the subject will be mailed teachers later in the year.

CHAPTER MEETING CONTEST

Purposes

The purposes of this contest are to encourage the effective use of the official ritual in opening and closing meetings and proficient participation in the conduct of the business of an organization. Rules for parliamentary procedure in democratic organizations have grown out of years of experience in the conduct of meetings and have two primary aims:

1. To facilitate the orderly transaction of the business of a meeting.
2. To insure arriving at the intelligent wish of the majority.

Demonstrated ability to open and close a chapter meeting and handle the ordinary business of a chapter meeting effectively will be the basis for judging this contest.

Rules

1. A team shall consist of a president, vice-president, secretary, treasurer, reporter, adviser, and not more than five other members.
2. The chapter officers will open the meeting by the use of the official ceremonies for opening a chapter meeting, handle such business as will demonstrate four or more

abilities in parliamentary procedure, and close the meeting with the official closing ceremonies. (After the business has been transacted, the team should go directly into the closing ceremonies. A motion to adjourn is not necessary.) A team shall use not more than 12 minutes for the contest.

3. The secretary of the team shall submit his notes on the business proceedings in their original form to the judges, upon the conclusion of his team's participation.
4. One judge, who shall be designated as "participating judge" in the contest shall participate in the business proceedings of each team at least twice, but not more than four times. Business asked for or introduced by the participating judge shall be handled by the team in the same manner as if presented by a regular member of the team.
5. The teams shall be judged and ranked on the basis of points allowed on items in the accompanying score card.
6. Elimination contests shall be held in the state contest and may be held in district contests.

Awards

District and state chapter meeting awards (\$350.00) made possible by the Kentucky Farm Bureau Federation and the Farm Bureau Mutual Insurance Company.

District Awards

First	\$15
Second	\$10
Third	\$ 5

State Awards

First	\$25
Second	\$20
Third	\$15
Fourth	\$10
Fifth	\$10

JUDGES' SCORE SHEET

Chapter-Meeting Contest

Items to be Scored	Points Allowed
1. Opening and Closing Ceremonies	
a. Correctness of ritual used	10
b. General effect of the ceremonies	15
2. Business Transactions	
a. Chairman's presiding ability	10
b. Secretary's participating ability	10
c. Team's participating ability and versatility	20
d. Clarity of business transactions	10
e. Correctness of parliamentary transactions	10
f. Democracy and sincerity of proceedings	15
Total Score	100

COMMUNITY DAIRY IMPROVEMENT AWARDS

To encourage departments of vocational agriculture and Future Farmer chapters to develop programs of dairy improvement, the Dairy Products Association of Kentucky is awarding \$200 to the three Future Farmer chapters, which, together with their departments, have made the greatest achievement in dairy improvement in their community.

Purposes

The purposes of these awards are to encourage more boys and young men to get started in dairying, the use of better production and marketing practices, and the development of sound community dairy improvement programs by departments of vocational agriculture.

General Plan

The state awards will be made at the State F. F. A. meeting, to the three F. F. A. Chapters representing their departments of vocational agriculture which have the most outstanding records of accomplishments for the year 1947-48. The contest will be on both a district and state basis, with the first-place winner in each of the nine districts advancing to the state contest.

Awards

Cash awards amounting to \$200 will be provided by the Dairy Products Association of Kentucky. The district prize money shall be used to purchase dairy breeding animals, to purchase dairy equipment for the F. F. A. chapter, or to promote dairying in the community. The state prize money shall be used in the purchase of dairy breeding animals.

To the first-place winner in each of 9 districts\$10

To the three chapters ranking highest in the
state contest:

First	\$50
Second	\$35
Third	\$25

Rules

1. Participating is limited to departments of vocational agriculture that have F. F. A. chapters in good standing in the Kentucky association.
2. The contest year shall be August 1, 1947, to July 31, 1948, for the state contest and accomplishments from August 1, 1947, up to the time of the district F. F. A. Day for the district contests.
3. Records of productive enterprise and improvement projects completed at any time during the contest year shall be included in the report.
4. A written record of the accomplishments of the department shall be the basis for judging the contest. The record shall be signed by the teacher of agriculture and the president of the local F. F. A. chapter, and shall be made up as follows:
 - a. *Narrative story* of what was achieved and how accomplished, including explanations. This story shall not exceed two double-spaced typewritten pages.
 - b. *Record of accomplishments* completely and accurately filled out. (Form available from the Department of Agricultural Education, University of Kentucky.)
 - c. *Cover*—an attractive cover such as a "theme cover" may be used to bind the report. The front cover shall have the following title:

Community Dairy Improvement Awards

Sponsored by

Dairy Products Association of Kentucky

..... Chapter of F. F. A.
 Kentucky

5. The teacher of agriculture and a representative of the chapter (preferably the president) shall be present for personal interview in district and state contests.
6. Judging will be done by a committee of judges in district and state contests.
7. Judging will be to determine the most outstanding accomplishments in dairying by departments of vocational agriculture and its F. F. A. chapter. Judging shall include evaluation of the following:
 - a. Supervised farming in dairying of members of all-day and young farmer classes
 - (1) Productive enterprise projects
 - (2) Improvement projects
 - (3) Supplementary practice
 - b. Community dairy improvement
 - (1) Adult farmer classes
 - (2) Community services in dairying performed by the department
8. Chapters winning first, second and third place awards in the state contest shall be ineligible to compete in the district and state contest the following year.

FARMING ACHIEVEMENT AWARDS

All Enterprises

The purpose of these awards is to encourage outstanding achievement in farming by giving recognition to Future Farmers who excel in proficiency in their supervised farming in the following enterprises:

Beef Cattle	Poultry	Hay Crops
Dairy	Sheep	Tobacco
Hogs	Corn	Farm Shop

General Plan

Awards will be made on both a district and state basis to Future Farmers, who, in the opinion of the judges, have attained the most outstanding achievement in each of the above farming enterprises.

Awards

Cash awards totaling \$135 will be made to the highest ranking boys in Dairy, Poultry, Corn, Hay Crops, Tobacco, and Farm Shop as follows:

1. In each of the nine districts:

First	\$ 5
Second	3
Third	2
2. In the state

First	\$15
Second	10
Third	8
Fourth	7
Fifth	5

Cash awards totaling \$600 in Beef Cattle, Hogs and Sheep, to be used toward the purchase of approved breeding stock, will be made as follows:

Beef Cattle and Sheep

1. In each of eight districts

First	\$10
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2. In the state

First	\$45
Second	25

Hogs

1. In each of the nine districts

First	\$25
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2. In the state

First	\$50
Second	25

Donors of Awards

The following firms have made the awards possible:

Beef Cattle

L. & N. Railroad, Louisville, Kentucky\$150

Dairy

The Great A. & P. Tea Company, New York, N. Y.\$135

Hogs

Sears, Roebuck Foundation, Chicago, Ill.\$300

Poultry

Kroger Grocery & Baking Company, Cincinnati, Ohio\$135

Sheep

L. & N. Railroad, Louisville, Kentucky\$150

Corn

Ross Seed Company, Louisville, Kentucky\$135

Hay Crops

The Kentucky Stone Company, Louisville, Kentucky\$135

Tobacco

Brown and Williamson Tobacco Corp., Louisville, Ky.\$135

Farm Shop

Belknap Hardware and Mfg. Co., Louisville, Kentucky\$135

Rules

1. Participation is limited to Kentucky Future Farmers in good standing, who are regularly enrolled in all-day classes of vocational agriculture or who have been out of school less than three years.
2. To be eligible to compete for awards in an enterprise, the Future Farmer must be conducting that enterprise as a part of his supervised farming program.
3. An F. F. A. chapter may enter only one boy in each of the 9 enterprises. A boy may represent his chapter in not more than two enterprises.
4. Judging will be done by a committee of judges at the district field days and the state meeting. A written record

of the project and a personal interview with the boy will constitute the basis for judging.

5. The written record of the project shall be signed by the boy, one of his parents or his landlord, and his teacher of agriculture. The record shall be made up as follows:

(a) First Sheet—*Story of the Project*, explaining how the project was carried out. This story shall not exceed one double-spaced typewritten page.

(b) Second sheet—*Project Summary*, filled out completely and accurately.

(c) Third sheet—*Record of Accomplishments*, completely and accurately filled out. (Forms for the different enterprises are available from the Division of Vocational Education, Frankfort.)

(d) *Cover*—An attractive cover may be used to bind the the report. The front cover of the report shall have the following title:

Farming Achievement in

Sponsored by

.....
(Name of Concern)

Boy's name

Address

Name of school

(e) *Pictures*—Not more than three snapshots of significant aspects of the project may be used. Pictures should be pasted on the inside of the front cover, with proper legends.

(f) *Supporting evidence*—Such material as sales tickets and bills that show weights and prices may be inserted following the Record of Accomplishments.

7. All contestants shall be present for personal interview by the judges, in district and state contests. The contestant should have his supervised farming record book containing the complete records of the project he is entering in

the contest and the record of all his supervised farming carried at the time of the competing enterprise. The judges may interview any contestant and shall interview all contestants placed to receive the awards.

8. The following score card shall be used by the judges in district and state contestants:

Factors	Points
Improved practices used	25
Results secured	50
Other factors	25

The judges may deduct from 1 to 25 points for an inaccurate, incomplete, or poorly prepared report. If too inaccurate or incomplete, the report may be thrown out.

L. & N. RAILROAD AWARDS IN BEEF CATTLE

To encourage better beef cattle production-and-marketing practices among Kentucky Future Farmers and to encourage more young men to start and continue with beef cattle, the Louisville and Nashville Railroad is providing \$150 in awards. This award is to give recognition to the Future Farmers, living in counties served by one or both of the railway systems, who have attained the most outstanding achievement with their supervised farming in beef cattle.

General Plan

Awards will be made to the boy in each of 8 districts in Kentucky who, in the opinion of the judges, has the most outstanding record of accomplishments with his supervised farming in beef cattle. A grand award will be made to the boy in the state whose record is adjudged the most outstanding.

Awards

The following awards will be made by the railroad, to be used toward the purchase of approved breeding stock:

1. In each of the 8 districts

First	\$10
-------------	------
2. In the state

First	45
Second	25

Rules

1. The contest year shall be any 12 months period ending between September 1, 1947, and March 1, 1948, for the District F. F. A. Day, and between September 1, 1947, and July 1, 1948, for the State Contest.
2. Judging will be to determine the most outstanding accomplishments in beef cattle and shall include evaluation of the following, according to the score card in Rule 8 in Farming Achievement Awards.
 - a. Improved practices used
 - b. Results secured, including
 - (1) Calves produced (if breeding herd)
 - (2) Gains secured on young stock
per head
per day
per pound on market animals or
per head on breeding animals
 - (3) Price
 - (4) Labor earnings, total
 - (5) Labor earnings, per head
 - (6) Feed cost per pound gain
 - c. Other factors, including
 - (1) Scope (size) of the project
 - (2) Responsibility of the boy in managing and conducting the enterprise
 - (3) Accompanying feed-crop projects
 - (4) Self-labor of the boy
 - (5) Difficulties met
 - (6) Boy ownership in the project
3. Districts for this contest shall be the same as the Future Farmer Federation districts except that the Cumberland and Eastern Kentucky districts shall be considered as one district.

A. & P. AWARDS IN DAIRYING

To encourage better dairy production-and-marketing practices among Kentucky Future Farmers, the Great A. and

P. Tea Company, New York, N. Y., is providing \$135 in awards to Future Farmers who have attained the most outstanding achievement with their supervised farming in dairying.

Many more boys should be getting started in dairying as a main livestock enterprise, and many boys enrolled in vocational agriculture should secure a dairy heifer or cow so that they will have a good family cow of their own. This contest should do much to encourage more boys to make their start in dairying, as well as encourage the use of better dairying practices.

General Plan

The Great A. and P. Tea Company will make cash awards totaling \$135 to boys who have achieved the most outstanding success with their dairy projects.

Rules

1. The contest year shall be any 12-month period beginning in 1947 and ending by March 1, 1948, for the district F. F. A. Day, or July 1, 1948, for the State Contest.
2. Judging will be to determine the most outstanding achievement in dairy productive-enterprise projects and shall include evaluation of the following factors by the judges using the score card outlined in Rules of Farming Achievement Awards.
 - a. Improved practices used
 - b. Results secured, including
 - (1) Pounds of milk produced per cow per year
 - (2) Pounds of butterfat produced per cow per year
 - (3) Labor earnings, total
 - (4) Labor earnings per cow
 - (5) Feed cost per 100 pounds milk and per pound butterfat
 - (6) Selling price of milk, butterfat, and calves
 - c. Other factors, including
 - (1) Scope (size) of the project
 - (2) Responsibility of the boy in managing and conducting the project

- (3) Self-labor of the boy
- (4) Difficulties met
- (5) Boy ownership in the project
- (6) Total supervised farming program

SEARS-ROEBUCK FOUNDATION AWARDS IN HOGS

To encourage better hog production-and-marketing practices among Kentucky Future Farmers, The Sears-Roebuck Foundation, Chicago, Illinois, is providing \$300 in awards to Future Farmers who have attained the most outstanding achievement with their supervised farming in hogs.

General Plan

The Sears-Roebuck Foundation will make cash awards totaling \$300 to boys who have achieved the most outstanding success with their hog projects.

Rules

1. The contest year shall begin with the farrowing of the spring litters in 1947 and continue through the marketing of the spring litters and the marketing of the 1947 fall litters.
2. Judging will be to determine the most outstanding achievement in hog productive-enterprise projects and shall include evaluation of the following according to the score card in Rule 8 for Farming Achievement Awards.
 - a. Improved practices used
 - b. Results secured
 - (1) Number of pigs per litter farrowed
 - (2) Percent of pigs farrowed raised
 - (3) Number of strong pigs raised
 - (4) Rapidity of gains
 - (5) Pounds of pork per sow
 - (6) Feed required per 100 pounds gain
 - (7) Cost of producing 100 pounds gain
 - (8) Selling price per head
 - (9) Labor earnings per sow
 - c. Other factors, including:
 - (1) Scope (size) of project

- (2) Responsibility of the boy in managing and conducting the enterprise
- (3) Accompanying feed-crop projects
- (4) Self-labor of the boy
- (5) Difficulties met
- (6) Boy ownership in the project
- (7) Total supervised farming program

KROGER AWARDS IN POULTRY

To encourage better poultry production-and-marketing practices among Kentucky Future Farmers, the Kroger Grocery and Baking Company, Cincinnati, Ohio, is providing \$135 in awards to Future Farmers who have attained the most outstanding achievement with their supervised farming in poultry.

The average poultry production in Kentucky is low. With good production-and-marketing practices, poultry would become much more important in Kentucky's agriculture.

General Plan

The Kroger Grocery and Baking Company will make cash awards totaling \$135 to boys who have achieved the most outstanding success with their poultry projects.

Rules

1. The contest year shall begin with the securing of baby chicks in the spring of 1947 and continue through the egg-production season to March 1, 1948, for the District F. F. A. Days, and July 1, 1948, for the State Contest. In case the laying hens are sold before July 1, 1948, the project year shall end with the sale of laying stock.
2. Judging will be to determine the most outstanding achievement in poultry productive-enterprise projects and shall include evaluation of the following:
 - a. Improved practices used
 - b. Results secured, including
 - (1) Percent of chicks raised
 - (2) Rate of growth of chicks
 - (3) Age pullets began to lay

- (4) Egg production per hen
- (5) Cost of producing eggs per dozen
- c. Other factors, including:
 - (1) Scope (size) of project
 - (2) Responsibility of the boy in managing and conducting the enterprise
 - (3) Accompanying feed-crop projects
 - (4) Self-labor of the boy
 - (5) Difficulties met
 - (6) Boy ownership in the project
 - (7) Total supervised farming program

L. & N. RAILROAD AWARDS IN SHEEP

To encourage better sheep production-and-marketing practices among Kentucky Future Farmers and to encourage more young men to get started and continue with sheep flocks, the Louisville and Nashville Railroad is providing \$300 in awards. These awards are to give recognition to Future Farmers living in counties served by either or both of the two railroad systems who have attained the most outstanding achievement with their supervised farming in sheep.

General Plan

Awards will be made to the Future Farmer in each of eight districts in Kentucky who, in the opinion of the judges, has the most outstanding record of accomplishments with his supervised farming in sheep. State awards will be made to the two Future Farmers whose records are adjudged the most outstanding in the state.

Awards

The following awards will be made by the railroad, to be used toward the purchase of approved breeding stock:

In each of the 8 districts—

First\$10

In the state—

First 45

Second 25

Rules

1. The contest year shall begin and extend through the marketing of lambs and wool in 1947, for the district contests.

For the State contest the 1948 lamb-and-wool-production season to July 1, 1948, shall be added to the 1947 record.

2. Judging will be to determine the most outstanding achievement with sheep productive-achievement enterprise projects and shall include evaluation of the following by the use of the score card in Rule 8 of Farming Achievement Awards:

- a. Improved practices used

- b. Results secured, including

- (1) Number of lambs produced per ewe
- (2) Pounds of lamb produced per ewe
- (3) Selling price of lambs per 100 pounds
- (4) Percent of lambs marketed before July 1.
- (5) Pounds of wool produced per ewe
- (6) Selling price of wool per pound
- (7) Value of lambs and wool produced per ewe
- (8) Total labor earnings
- (9) Labor earnings per ewe

- c. Other factors, including:

- (1) Scope (size) of project
- (2) Responsibility of the boy in managing and conducting the enterprise
- (3) Accompanying feed-crop projects
- (4) Self-labor of the boy
- (5) Difficulties met
- (6) Boy ownership in the project
- (7) Total supervised farming program

ROSS SEED COMPANY AWARDS IN CORN

To encourage better corn-production practices of Kentucky Future Farmers, the Ross Seed Company, Louisville, Kentucky, is providing \$135 in awards to Kentucky Future Farmers who have attained the most outstanding accomplishments with their supervised farming in corn projects.

Many Future Farmers should have corn projects to accompany livestock projects and should produce corn primarily for feed. Few Kentucky farms need to produce corn as a cash crop, but rather to market it through livestock. Corn should accompany all hog projects and feeder-steer projects, most beef-cow-and-calf projects, dairy projects, and poultry projects.

General Plan

The Ross Seed Company will make cash awards totaling \$135 to boys who have achieved the most outstanding success with their corn projects in their supervised farming programs.

Rules

1. The contest year shall be the 1947 corn crop year.
2. Judging will be to determine the most outstanding achievement with corn projects and shall include evaluation of the following by the use of the score card in Rule 8 of the Farming Achievement Awards.
 - a. Improved practices used
 - b. Results secured, including
 - (1) Total bushels produced
 - (2) Average bushels per acre
 - (3) Total labor earnings
 - (4) Labor earnings per acre
 - c. Other factors, including
 - (1) Scope (size) of the project
 - (2) Responsibility of the boy in managing and conducting the project
 - (3) Self-labor
 - (4) Difficulties met
 - (5) Boy ownership in the project
 - (6) Purpose for which the corn was produced
 - (7) Total supervised farming program of the boy

KENTUCKY STONE COMPANY AWARDS IN HAY CROPS

To encourage more hay projects and the use of better hay-production practices among Kentucky Future Farmers,

the Kentucky Stone Company, Louisville, Kentucky, is providing \$135 in awards to Future Farmers who have attained the most outstanding achievements with their supervised farming in hay crops.

All Future Farmers who have beef cattle, dairy, or sheep projects should have accompanying hay-crop projects. Good hay production is essential to efficient livestock production.

General Plan

The Kentucky Stone Company will make cash awards totaling \$135 to boys who have achieved the most outstanding success with their hay crop projects.

Rules

1. The contest year shall cover the 1947 hay-production season for annual legumes; for other hays it shall cover the establishment of the meadow and the hay-production season of 1947.
2. Judging will be to determine the most outstanding achievement in hay productive-enterprise projects and shall include evaluation of the following by the use of the score card in Rule 8 of Farming Achievement Awards:
 - a. Improved practices used, including
 - (1) Seeding
 - (2) Fertilizing, liming, manuring
 - (3) Harvesting
 - (4) Storing
 - b. Results secured, including
 - (1) Total tons produced
 - (2) Average tons per acre
 - (3) Quality of hay produced
 - (4) Labor earnings—total and per acre
 - c. Other factors, including
 - (1) Scope (size) of the project
 - (2) Responsibility of the boy in managing and conducting the project
 - (3) Self-labor of the boy
 - (4) Difficulties met
 - (5) Boy ownership in the project

- (6) Purpose for which the hay crop was produced
- (7) Total supervised farming program of the boy.

BROWN-WILLIAMSON AWARDS IN TOBACCO

To encourage better tobacco production-and-marketing practices among Kentucky Future Farmers, the Brown and Williamson Tobacco Corporation, Louisville, Kentucky, is providing \$135 in awards to Future Farmers who have attained the most outstanding achievements with their supervised farming in tobacco.

Tobacco is Kentucky's most important cash crop. More Kentucky Future Farmers have tobacco projects than any other farming enterprise. Being an efficient tobacco producer is essential to success in farming on many Kentucky farms. Future Farmers should strive to become good tobacco producers. Many Kentucky Future Farmers should produce more than 2,000 pounds of tobacco per acre.

General Plan

The Brown and Williamson Tobacco Corporation will make cash awards totaling \$135 to boys who have achieved the most outstanding success with their tobacco projects.

Rules

1. The contest year shall cover the 1947 tobacco-production season through and including the selling of the crop.
2. Judging will be to determine the most outstanding achievement in tobacco productive-enterprise projects and shall include evaluation of the following by the use of the score card in Rule 8 of Farming Achievement Awards:
 - a. Improved practices used
 - b. Results secured, including
 - (1) Total pounds produced
 - (2) Average pounds per acre
 - (3) Average selling price per acre
 - (4) Labor earnings: total, and per acre
 - (5) Labor required per acre

- c. Other factors, including
 - (1) Scope (size) of the project
 - (2) Responsibility of the boy in managing and conducting the project
 - (3) Self-labor of the boy
 - (4) Difficulties met
 - (5) Boy ownership in the project
 - (6) Total supervised farming program of the boy

BELKNAP AWARDS IN FARM SHOP

To encourage better home farm shop work among Kentucky Future Farmers, the Belknap Hardware and Manufacturing Company, Louisville, Kentucky, is providing \$135 in awards to Future Farmers who have the most outstanding achievements with their supervised farming in farm shop.

Suitable farm machinery and equipment in good repair and properly operated is essential. The farmer should be able to do much of his own repair and construction work and be able to effectively supervise the work he hires done on his farm. Farm buildings in Kentucky were valued at \$256,381,674, and farm implements and machinery at \$41,518,943 in 1940. The purpose of this contest is to encourage Future Farmers to become more proficient in maintaining, operating, and repairing farm buildings, equipment, and machinery on their home farms.

General Plan

The Belknap Hardware and Manufacturing Company will make cash awards totaling \$135 to boys who have done the most outstanding supervised farming in farm shop.

Rules

1. The contest year shall be June 1, 1947, to March 1, 1948, for the district contests, and to June 1, 1948, for the state contest.
2. Judging will be to determine the most outstanding achievement in farm shop work done at home and shall include valuation of the following:

- a. Improvement projects in shop work
 - (1) Scope (size) of the projects
 - (2) Improved practices used
 - (3) Quality of work done
 - (4) Responsibility of the boy in managing and conducting the projects
 - (5) Self-labor
- b. Supplementary practice in shop work
 - (1) Kind and amount of shop work done
 - (2) Quality of work done
- c. Total supervised farming program of the boy

STATE INITIATED PROJECTS

The Future Farmers Foundation, Inc., will provide for the Kentucky Association of F. F. A.—\$619.85 for state initiated projects in *Pasture Improvement* and *Home Improvement*. Awards will be made on both a district and state basis.

Awards

District	
First	\$25.00
State	
First	\$34.92
Second	25.00
Third	25.00

PASTURE IMPROVEMENT

Purpose

The purpose of these awards is to encourage Future Farmers to improve pastures on their home farms.

General Plan

This contest will be conducted as a regular part of the district and state farming achievement contests, and will be conducted under the same general rules. Forms for this contest will be furnished from the Frankfort office.

HOME IMPROVEMENT

Purpose

The purpose of this contest is to encourage Future Farmers to improve their homes and surroundings.

General Plan

This contest will be conducted as a regular part of the district and state farming achievement contests and will be conducted under the same general rules. Forms for this contest will be furnished from the Frankfort office.

R. E. A. FARM AND HOME ELECTRIFICATION AWARDS

General Plan

The Kentucky Rural Electric Cooperative Association will make three cash awards at the time of the District F. F. A. Days to the Future Farmers, who, in the opinion of the judges, have the most outstanding record of accomplishments in their farm and home electrification projects—Forms will be supplied from the Frankfort office.

Awards

District

First	\$10.00
Second	6.00
Third	4.00

State

The future Farmer Foundation, Inc., will award \$100 to the State winner of the contest. The winner will be eligible to enter the regional contest.

LIVESTOCK COOPERATIVE AWARDS

The Producers Livestock Marketing Association—Evansville, Louisville, and Cincinnati branches—are awarding \$150 to the three Future Farmers in Kentucky who have the most outstanding accomplishments and future plans in livestock farming.

Purposes

The purposes of these awards are to encourage:

1. Production of high-quality livestock
2. Use of sound practices in breeding, feeding, management, and marketing livestock
3. Sound planning for future operations with livestock
4. Cooperative endeavor
5. Establishment in farming

General Plan

These awards will be made at the State Meeting of the Kentucky Association of F. F. A., to the three boys who, in the opinion of the judges, have the most outstanding records of accomplishments and the soundest plans for the future in livestock farming. The contest will be on both a district and state basis, with the first-place winner in each of the nine districts advancing to the state contest.

Awards

The following awards will be made by the Producers, to be used toward the purchase of a purebred animal or animals, to the three boys who rank highest in the state contest:

First	\$75
Second	50
Third	25

Rules

1. Participation is limited to Kentucky Future Farmers in good standing who are still in high school or who graduated from high school in the spring proceeding the State F. F. A. Meeting.
2. To be eligible to compete for the awards, the Future Farmer must have one or more livestock projects as a part of his supervised farming program.
3. Each F. F. A. chapter may enter only one boy in the district contest. Winners of the district contest will automatically advance to the state contest.
4. The contest shall cover the period from the time the Future Farmer enrolled in vocational agriculture until the district F. F. A. Day or the State F. F. A. Meeting.
5. Judging shall be done by a committee of judges at the District F. F. A. Days, and in the State Contest by a committee of three, composed of one member representing the Kentucky Farm Bureau, one member representing the Producers, and one member representing agricultural education.
6. A written record and personal interview with the boy shall constitute the basis for judging. The written record

shall be signed by the boy, one of his parents or his landlord, and his teacher of agriculture. The record shall be made up as follows:

- a. First sheet—*Narrative story* of his work with livestock, explaining what was done and how it was done. This story shall not exceed one double-spaced type-written page.
- b. *Record of accomplishments and plans for the future*, completely and accurately filled out. (Forms available from the Division of Vocational Education, Frankfort.)
- c. *Summary sheets* for all livestock projects completed since entering high school, completely and accurately filled out.
- d. *Cover*—An attractive cover may be used, to bind the report. The front cover shall have the following title:

Livestock Cooperative Awards

Sponsored by

Producers Livestock Marketing Associations

Boy's name

Address

School

- e. *Pictures*—not more than five snapshots of significant aspect of the program may be used. Pictures should be pasted on the inside of the front cover, with appropriate legends.
7. All contestants shall be present for personal interview by the judges in district and state contests. The contestant shall have his supervised farming record book for the current year for inspection by the judges. The record book shall contain the complete records to date of the entire supervised farming program in operation.
8. The judges may interview any of the contestants necessary to make the placings, and shall interview the boy placed first in the district and the three boys placed first, second, and third in the state contest.

9. Judging will be to determine the most outstanding achievement in supervised farming with livestock and co-operative undertakings, and the soundest plans for the future in livestock farming. Judging shall include evaluation of the following:
 - a. Kind and scope of livestock enterprises
 - Present livestock
 - Livestock projects completed
 - b. Production practices used
 - c. Results secured
 - Completed projects
 - Production secured, including efficiency factors
 - Labor earnings
 - Projects in progress
 - d. Boy ownership
 - e. Responsibility of the boy managing and conducting the program
 - f. Difficulties met
 - g. Accompanying feed crop projects
 - h. Cooperative efforts engaged in such as buying, selling, and financing
 - i. Future plans with livestock
10. Boys who win the first-, second-, or third-place state awards shall become ineligible to compete again for the awards.

THE FARM UNDERWRITERS ASSOCIATION AWARD

The Farm Underwriters Association, 175 West Jackson Blvd., Chicago, Illinois, will award a scholarship of \$100 each to the two Kentucky Future Farmers who carry out the best farm fire-prevention programs on their home farms. The selection will be made at the time of the F. F. A. state meeting. These general provisions will be followed in selecting the winner of the contest:

1. The award will be made only to boys who will attend the State College of Agriculture, either for a regular course or a short course. During the war, if the winner does not plan to go to college, he may invest the prize money in farming.

2. A boy receiving some other scholarship will not be eligible for this scholarship.
3. The award will be made by the Farm Underwriters Association and not by any individual or company member of the association.
4. The winner of the award will be selected from among the boys who are to receive a State Farmer Degree at the state meeting in 1948.

The selection will be based on the following:

- a. Supervised farming program
- b. Earnings and savings
- c. Financial status
- d. Leadership and cooperative activities
- e. Scholarship
- f. Fire-prevention activities carried out

The following are examples of some of the many things Future Farmers may do in competing for this award:

1. Repair faulty flues
2. Store fuel oil properly
3. Cover roofs with non-inflammable materials
4. Remove bird nests that might start fires
5. Destroy nests made by rats and mice
6. Use fire screens before open fires
7. Check electric wiring and fuses
8. Erect "no smoking" signs on farm buildings
9. Guard against spontaneous combustion in hay and feeds
10. Provide proper equipment for firing tobacco or for other fires in or near farm buildings
11. Take an active part in the "fire prevention week" program

After the winner of the contest is selected, he will be asked to prepare a 500-word essay to be submitted to the Farm Underwriters Association.

CHAPTER MUSIC CONTEST

The Chapter Music Contest has been a part of the district F. F. A. and of the F. F. A. State Meeting for a number of years.

Many chapters have music groups that provide entertainment at local chapter meetings, and opportunity for boys to play together. These contests are designed to encourage the formation of such groups and to promote better chapter music.

Chapter Music Contests will be held at District Field Days in 1948. The district winner will represent the district at the State contest which will be held at the time of the State F. F. A. convention.

Rules

1. A chapter music group shall consist of at least three, but not more than ten musicians, and may be a band, orchestra, or a vocal group.
2. A group may use not more than 5 minutes in district contests. Encores will not be granted.
3. If an accompanist other than a member of the chapter is used, the group will furnish its own accompanist, but the work of such an accompanist will not be considered in the judging.

Awards

The districts will provide such awards as they see fit.

INDIVIDUAL MUSIC CONTESTS

These contests provide an opportunity for individual participation in such music activities as may be found in the typical F. F. A. chapter. These activities add much to the local chapter meeting. Individual music contests will be a part of the district F. F. A. Days in 1948.

Divisions

The divisions of the individual music contest are:

Piano

Orchestral instruments

Vocal

Novelty instruments

Each division is regarded as a separate contest. In this contest an orchestral instrument is an instrument played by note, while a novelty instrument is one played by ear.

Rules

1. A contestant may enter one division only.
2. Each contestant shall be limited to 3 minutes.
3. Each contestant shall give to the chairman of his contest the title of the number or numbers he is to render. Encores shall not be granted.
4. Contestants in vocal and orchestral instrument divisions may have an accompanist. Contestants shall make provision for their own accompanist. The work of the accompanist shall not be considered in the judging.

Awards

The districts will provide such awards as they see fit.

CHAPTER SECRETARY'S BOOK CONTEST

This contest is included in the state activity program to encourage the use and accurate keeping of the Official Secretary's Book. Every chapter should have such a book. Every chapter secretary should study the outlined procedure for keeping the book, and make all entries neatly, legibly, and accurately.

The contest shall consist of the selection of the best-kept Official Chapter Secretary's Book. The book judged best in each district shall be entered in the final state contest.

The contest year shall cover the school year 1947-48. (The school year is from July 1 to June 30.)

Rules

1. Only Official Chapter Secretary's Books may be entered in this contest.
2. The records shall be the product of the chapter secretary and shall show evidence of being the book kept from meeting to meeting during the year. No preference will be given to typewritten books.
3. The book shall include a record of the following:
 - a. State and chapter officers
 - b. Standing committees and committeemen
 - c. Chapter program of activities

- d. Schedule for chapter meetings
 - e. Membership roll
 - f. Attendance record
 - g. Minutes of meetings
 - h. Local constitution
4. Judging shall be done on the basis of:
- a. Neatness and legibility
 - b. Accuracy and form
 - c. Completeness

Awards

1. The Kentucky Association of F. F. A. will provide a suitable award for the winner of the state contest.
2. The districts will provide such awards as they see fit.

CHAPTER TREASURER'S BOOK CONTEST

The contest shall consist of the selection of the best-kept chapter of the Official F. F. A. Treasurer's Book. Every chapter should have such a book for its treasurer. Every chapter treasurer can make a definite contribution to his chapter by keeping the financial records of the chapter carefully and accurately.

This contest shall consist of the selection of the best-kept Official Chapter Treasurer's Book. The book judged best in each district shall become the entry of that district in the final state contest.

The contest year shall cover the school year 1947-48. (The school year is from July 1 to June 30.)

Rules

1. Only Official F. F. A. Chapter Treasurer's Books may be entered in this contest.
2. The records shall be the product of the Chapter Treasurer and shall show the evidence of being the records kept from meeting to meeting during the year. No preference will be given to typewritten books.
3. The book shall include records of the following:
 - a. Complete records called for in the Treasurer's Book

- b. Statement of the chapter's net worth
- c. Chapter budget
- d. Member dues and assessment record
- e. Chapter receipts
- f. Chapter disbursements
- g. Chapter investments
- h. Chapter loans
- i. Chapter financial summary
4. Judging shall be done on the basis of:
 - a. Neatness and legibility
 - b. Accuracy and form
 - c. Completeness

Awards

1. The Kentucky Association of F. F. A. will provide a suitable award for the winner of the state contest.
2. The districts will provide such awards as they see fit.

CHAPTER SCRAPBOOK CONTEST

A scrapbook provides a desirable way of keeping an illustrated history of chapter activities, and is useful as supporting evidence in district and national chapter contests.

While no specific arrangement of materials is required, it is suggested that chapters consider arranging much of the material to show evidence of accomplishments in the main divisions of the chapter program of activities such as leadership, supervised farming, and scholarship.

The contest shall consist of the selection of the best-kept chapter scrapbook. The contest shall be on both a district and state basis.

Rules

1. No specific size or design of book will be required for the 1947-48 contest. The official F. F. A. Scrapbook should be used. (Published by the French-Bray Printing Company.)
2. Materials making up the scrapbook may include:
 - a. Newspaper clippings
 - b. Snapshots
 - c. Printed programs

- d. Important letters
 - e. Fair and show catalogs
 - f. Newsletter clippings
 - g. Other evidence of chapter accomplishment
3. Chapters should arrange their scrapbooks by divisions so as to agree with the divisions in their program of activities. Most chapters divide their program of activities into the major divisions listed in the F. F. A. Manual; namely, supervised farming, conduct of meetings, cooperation, community service, leadership, earnings and savings, scholarships, recreation, and information.
 4. Judging shall be done on the basis of:
 - a. Neatness
 - b. Attractiveness
 - c. Arrangement of materials
 - d. Completeness (tells the story of chapter activities throughout the year)
 - e. Absence of irrelevant material
 5. Material that does not apply to the local department of vocational agriculture, chapter or otherwise, shall be considered irrelevant. This does not exclude state material of interest to the chapter.
 6. The contest year shall cover the school year 1947-48. (The school year is from July 1 to June 30.)

Awards

1. The Kentucky Association of F. F. A. will provide a suitable award for the winner of the state contest.
2. The districts will provide such awards as they see fit.

CHAPTER NEWSLETTER CONTEST

The chapter Newsletter Contest is included in the program of activities to encourage the publication and improvement of chapter newsletters.

The contest consists of the selections of the best newsletters published by a chapter in the district; and from these, the best chapter newsletter published in the state.

Rules

1. Only one copy of a newsletter published by the chapter may be entered.
2. Newsletters must have been published after September 1, 1947.
3. Newsletters entered in this contest shall be *mimeographed* on regular 8 1/2-inch by 11-inch standard mimeograph paper. (If other kinds of duplicators are used, the paper shall be standard for that kind of duplicator.)
4. Newsletters entered in district and state contests shall be one of a regular issue. Coloring with crayons, water colors, or other materials, other than for regular publication, shall not be permitted, and pictures, newspaper clippings, and other material may not be added.
5. The newsletter shall consist of not more than 12 pages of typewritten matter, exclusive of the cover page.
6. Judging shall be on the basis of:
 - a. General appearance (including neatness)
 - b. Appropriateness of material included
 - c. Arrangement of material
 - d. Quality of writing
 - Forcefulness
 - Correctness of English (including construction, grammar, spelling)
 - Punctuation
 - Use of abbreviations

Awards

1. The Kentucky Association of F. F. A. will provide a suitable award for the winner of the state contest.
2. Each district will provide such awards as it sees fit.

DISTRICT F. F. A. DAYS

District Future Farmer Days were held in each of the nine districts last year, with very good attendance.

It is considered that the Field Day activities are a vital part of the F. F. A. program and have a definite bearing upon the effectiveness of the total program.

More than 90 per cent of the departments of vocational agriculture in Kentucky had entries in these district F. F. A. days in 1947. The failure of a department to have entries in its F. F. A. Day activities might be interpreted as an admission that the department is not training boys for leadership in its community. The district F. F. A. Day is the high point in the annual F. F. A. leadership training program in the nine districts in Kentucky.

Organization

1. District F. F. A. Days are to be held on or before May 15, 1948.
2. Winners of district events shall automatically enter the state contest held in connection with the State Meeting.
3. The district organization of the Agriculture Teachers Association, through its chairman or activities committee, shall decide the date and place for holding the district F. F. A. Day, and shall make such arrangements as are necessary for the proper conduct of the events.
4. Chapters shall be limited to one entry in each event.
5. Points on the farming achievement awards in beef cattle and sheep will not be counted except in cases where it may change the order of the top-ranking teams in the Field Day. If the top-ranking teams in the Field Day are eligible to have entries in these two contests, the points *shall* be counted.

The following point system will be employed to determine the winning chapter of the district F. F. A. Day:

Contest	1st Place	2nd Place	3rd Place	Entry
Chapter Meeting	18	12	6	4
Chapter Music	5	3	2	2
Pasture and Home Improvement Speaking	10	7	4	2
Farming Achievement				
Community Dairy Improvement				
Livestock Cooperative				
R. E. A.				

Contest	1st Place	2nd Place	3rd Place	Entry
Newsletter	6	4	2	1
Secretary's Book				
Treasurer's Book				
Individual Music	3	2	1	1
Chapter Scrapbook	8	5	3	1
Farm Underwriters Award				

FUTURE FARMERS OF AMERICA FOUNDATION, INC.

The Future Farmers of America Foundation, Inc., was incorporated under the laws of the District of Columbia, on March 29, 1944.

Purpose

The major purpose of this foundation is to provide business, industry, farm and civic organizations, and individuals that wish to make financial contributions for the stimulation of worthy achievements by students of vocational agriculture, and members of the Future Farmers of America and New Farmers of America, with an opportunity to do so through a central agency.

Foundation money is allocated to each state on the basis of the paid up membership in the F. F. A. and the N. F. A. organizations.

Foundation Funds For Kentucky

Kentucky has been allocated \$1,019.85 by the Future Farmers of America Foundation, Inc., for the coming year.

State Initiated Projects (\$619.85)

(1) Pasture Improvements	\$304.92
(2) Home Improvement	304.93

\$ 619.85

State Winners

Star State Farmer	\$100.00
Public Speaking	100.00

Farm Mechanics	100.00
Farm and Home Electrification	100.00
	\$ 400.00
	\$1,019.85

F. A. A. CONTEST

Kentucky Association of Future Farmers of America.

This contest is sponsored by the Courier-Journal, Louisville Times and Radio Station WHAS.

Purpose

To encourage Future Farmers in Kentucky to:

- (1) become progressively established in farming
- (2) use good farming methods and practices
- (3) become leading citizens.

Rules

1. The contest is open to all Future Farmers in Kentucky who are regularly enrolled in high school vocational agriculture, including members who graduated from high school in the spring of 1948.
2. Each chapter will select its winning entry prior to November 1, 1948. This entry must be mailed to Frankfort before midnight November 1. *No entries* sent in after the dealline will be considered.

Awards

District

A \$25 U. S. Savings Bond will be given the winner in each of the nine districts, except in the district from which the state winner is selected. The state winner will relinquish his district prize to the second place winner in his district.

State

A Lord Elgin, 21-jewel, 14k natural gold wrist watch will be given to the Future Farmer who has made the most outstanding achievements based on the purposes of this contest.

The winner's expenses will be paid to Louisville for the Farm Awards Luncheon, at which he will receive his prize.

STATE F. F. A. SHEEP-SHEARING CONTEST

Bourbon Stock Yards

Louisville, Kentucky

This sheep-shearing contest has become one of our good state F. F. A. contests. Many Future Farmers who have sheep projects should be learning to shear sheep. This contest should provide an incentive for learning proficiency in shearing.

Rules

1. Entries in this contest are limited to Kentucky Future Farmers in good standing, representing their F. F. A. chapters.
2. An F. F. A. chapter may enter only one member in the contest.
3. All entries in the contest shall be made by the F. F. A. chapter adviser and shall be mailed to the Department of Agricultural Education, College of Education, University of Kentucky, by May 1, 1948.
4. The contest shall start promptly at 9:00 a. m., C. S. T. All contestants shall be at the place of the contest and ready to participate when the contest begins.
5. Each contestant shall, without assistance, shear two sheep and tie up the fleeces. The sheep to be sheared shall be selected by the contest officials and shall be numbered. Contestants shall draw for their order of shearing and the numbers of the sheep to be sheared.
6. All shearing in this contest shall be done with a standard Stewart's Electric Shearmaster. Each contestant shall make provisions for his own Shearmaster, cutters, combs, oil can, and all other individual equipment used in the contest. (The Division of Vocational Education, Frankfort, has a number of Shearmasters which advisers may secure for use in this contest. Each adviser shall make his own arrangements in securing this equipment for his contestant.)

7. The timing of the shearing shall start at the timekeeper's signal, with the sheep in position to begin shearing, and shall end when the sheared sheep is put on its feet. The tying of the fleece shall not be included in the timing.
8. The judging of the contest shall be done by competent judges. Each contestant shall be scored on both of his two sheep. The highest total score will determine the winner.
9. The scorecard used in this contest will include the following points:

<i>Items to Be Scored</i>	<i>Perfect Score</i>
a. Shearing time	20
b. Manner of handling sheep	15
c. Absence of second cuts	15
d. Absence of cuts on sheep	15
e. Appearance of sheared sheep	10
f. Condition of sheared fleece	15
g. Tying of fleece	10
Total.....	100

10. The contest officials will have full authority to interpret these rules and to decide on any points not covered by these rules.

Awards

- A. The Sunbeam Corporation, Chicago, Illinois, will award a Stewart's Electric Shearmaster to the champion, who will also receive an official champion F. F. A. medal.
- B. The Kentucky Wool Growers Association will award \$100 in cash to the other contestants. Second-place winner will receive \$20; third-place winner \$15. The remaining \$65 will be divided equitably among the other contestants by the contest officials with recognition given to placings through tenth place. All contestants placing below tenth place shall receive the same cash award.
- C. The Bourbon Stock Yards Company will award ribbons to the contestants placing first to tenth.

LOUISVILLE FAT CATTLE SHOW AND SALE

The Louisville Fat Cattle Show and Sale has been held annually at the Bourbon Stockyards for the past 25 years. The Kentucky General Assembly appropriates \$5,000 in cash awards for the show. This prize money is allocated to the F. F. A. and 4-H Club division on a per-head-entry basis.

Finished baby beeves and yearlings have comprised the bulk of entries in the show. The Kentucky F. F. A. beef cattle program places emphasis upon getting boys started with a beef-breeding program. Some Future Farmers buy feeder steer calves to finish for the Fat Cattle Show, but boys who have the feed and facilities are encouraged to start with two or more choice high-grade heifers or cows from which to produce their feeder calves. In some cases, boys may buy heifers with which to start their breeding herds and, at the same time, buy some feeder steers for their beginning beef-cattle projects so they may have some income from beef cattle while their heifers are coming into production. Boys who have the necessary facilities are encouraged to increase their number of beef-breeding females until they have five to ten high-grade cows from which to produce their feeder calves. A few boys are encouraged to start with registered beef animals so that there will be enough registered bulls available throughout the state to improve the quality of beef cattle.

In 1943 the Future Farmer Division of the Fat Cattle Show and Sale was placed on a graded basis. This was the first year that all of the prize money had not be placed on a carload-entry basis or on the best five cattle from a chapter. Under the new plan, the judges grade all cattle entered in the show, placing them in four grades. The prize money is then distributed according to the grades of the animals. This plan has worked well and, since it seems to meet general approval of F. F. A. exhibitors and their teachers, it will continue in operation in the F. F. A. Division of the show.

When adult farmers take their fat cattle to any market, they are graded by representatives of marketing firms and the buyers, and are sold according to the grade and quality of the animals. It, therefore, seems practical for Future

Farmers to market their show cattle on much the same basis as they will market their beef animals when they become adult farmers. Placing the show on a graded basis has the additional advantage of rewarding Future Farmers according to the quality of the finished product which they bring to the market. The plan also has the advantage of permitting an F. F. A. chapter to enter any number of calves its members may have in the show. Some revision in the allocation of prize money, or in the operation of the show may be made from time to time, but it is expected that large percentage of the premium money in the F. F. A. Division will be awarded on a grade basis in future shows.

FAT LAMB SHOW-SALES

Three state-supervised F. F. A. Fat Lamb Show-Sales are held annually in June at Evansville, Indiana, and at Lexington and Louisville. These show-sales are set up on a market-grade basis and are handled so as to encourage better production and marketing practices. Lambs entered in the show-sales are separated into choice, good, medium, and common grades, and are sold by grades. Awards are made on a per-head-grade basis, with twice the amount given for choice lambs as for good lambs, and no awards in the two lower grades.

The Tri-State Lamb Show-Sale is held at the Union Stockyards in Evansville, Indiana, and is sponsored by the Stockyards Company and the Evansville Chamber of Commerce. Awards are provided for lambs grading choice and good. Boys entering five or more lambs are permitted to enter one lamb in the champion ring. A special award is provided the Future Farmer having done the most outstanding work with his sheep project.

The Bluegrass Lamb Show-Sale is held at the Clay-Gentry Stockyards and sponsored by the Clay-Gentry Organization. Awards are provided for lambs grading choice and good. Each boy entering five or more lambs may show one choice lamb in the championship ring.

The Louisville Lamb Show-Sale is held at the Bourbon Stockyards. The Bourbon Stockyards Company and the Com-

mission Companies at the yards provide awards for lambs grading choice and good. In addition, the Bourbon Stockyards Company gives grand awards to the three boys who have done the best job with their sheep projects.

General Rules

1. Entries are limited to Future Farmers in good standing who have sheep as part of their supervised farming program in vocation agriculture.
2. All lambs entered must have been raised by the F. F. A. member as a part of his sheep project, and must have been produced from ewes in which the member has had ownership since January, 1945.
3. To be eligible to participate in the show-sale, a boy must enter three or more lambs.
4. Upon arrival at the yards, lambs will be separated into the following grades:

Choice—"Blue"	}	Chalk markings, if markings are used
Good—"Red"		
Medium—"Yellow"		
Common—"Green"		
5. All lambs will be graded on the basis of "Fat Market Lambs."
6. Lambs that will not grade "medium" or better should be left at home.
7. All lambs should weight 75 pounds or more, and should be fat.
8. All lambs should be docked, and all ram lambs *must* be castrated.
9. All lambs of a grade or grade-weight division will be sold as a lot.
10. All lambs entered will be sold in the sale that follows the show.

HONORARY KENTUCKY FARMERS

The honorary degree of Kentucky Farmer has been conferred on the following persons, who have rendered outstanding services to the Association.

Name	Year Elected	Occupation	Address
H. W. Peters	1936	Superintendent of Public Instruction	Frankfort
A. B. Chandler	1937	Governor of State of Kentucky	Frankfort
E. L. German	1937	President, Bourbon Stock Yards	Louisville
D. D. Stewart	1937	President, Sears, Roebuck & Co.	Louisville
L. J. Horlacher	1937	Assistant Dean in Resident Teaching, College of Agriculture, University of Kentucky	Lexington
Virgil Steed	1937	Fayette County Farmer	Lexington
J. P. Truitt	1937	Teacher of Agriculture	Hardinsburg
Fordyce Ely	1938	Head of Dairy Department, University of Kentucky	Lexington
A. B. Sawyer	1938	President, Dairy Products Association of Kentucky	Louisville
R. H. Woods	1938	Director, Vocational Education	Frankfort
Watson Armstrong	1938	Instructor, Agricultural Education, University of Kentucky	Lexington
Ben E. Niles	1939	President, Kentucky Farm Bureau Federation	Henderson
H. W. Derway	1939	General Manager, Ewing-Von Allmen Company	Louisville
Frank Wright	1939	Secretary, Dairy Products Association of Kentucky	Louisville
Carsle Hammonds	1939	Head, Agricultural Education Depart- ment, University of Kentucky	Lexington
W. R. Tabb	1939	Instructor, Agricultural Education, University of Kentucky	Lexington
C. E. Field	1940	President, Field Packing Company	Owensboro
John W. Brooker	1940	Superintendent of Public Instruction	Frankfort
Horace Cleveland	1940	Henry County Farmer	Franklinton
Ben Kilgore	1940	Executive Secretary, Kentucky Farm Bureau Federation	Louisville
John Hoagland	1940	Promotion Manager, Courier-Journal and Louisville Times	Louisville
E. P. Hilton	1940	Supervisor of Agricultural Education	Frankfort
H. H. Neel	1941	President, Ewing-Von Allmen Dairy Company, and President of Dairy Products Association of Kentucky	Louisville
Joe C. Towery	1941	Teacher of Agriculture	Owensboro
Carl Stinson	1941	Teacher of Agriculture	Manchester
John Merrifield	1942	Agricultural Coordinator, WHAS	Louisville
Fred Trammell	1942	Teacher of Agriculture	Bagdad
Earl Robbins	1942	Teacher of Agriculture	Lexington
R. Q. Smith	1942	Secretary-Treasurer of the Cincinnati Livestock Producers Association	Cincinnati
Jim W. Mitchell	1942	Secretary-Treasurer of the Evansville Livestock Producers Association	Evansville
S. S. Wilson	1942	Teacher of Agriculture	Pleasureville
Herbert Smith	1942	Teacher of Agriculture	Hardinsburg
M. M. Botto	1943	Teacher of Agriculture	Munfordville
W. C. Montgomery	1943	Teacher of Agriculture	Stamping Ground
Ivan Jett	1943	Agricultural Adviser, Kentucky Chain Stores Council	Georgetown
J. Dan Baldwin	1943	Marketing Specialist, State Dept. of Agriculture	Frankfort

Name	Year Elected	Occupation	Address
W. T. Forsee.	1943	State President, Ky. Ass'n Breeders of Purebred Livestock	Owenton Louisville
Clifton Rhodes	1943	Vice-President, Belknap and Company	Lexington
William S. Taylor	1944	Dean, College of Education, University of Kentucky	Louisville
J. O. Matlick	1944	Editor, The Kentucky Farmers Home Journal	Louisville
John Brown	1944	President, Louisville Bank for Cooperatives	Louisville
J. B. De Jarnatt	1944	Vice-President, The Great A & P Tea Company	Louisville
J. B. Williams	1944	Assistant Supervisor of Agricultural Education	Frankfort

Honorable John Fred Williams, 195, State Superintendent of Public Instruction

G. H. England, 1945, Teacher of Agriculture

Lowell Taylor, 1945, Evansville Producers Commission Association

Paul Pace, 1945, Farmers Bank, Hardinsburg

Hobart Hines, 1945, Superintendent, Breckinridge County Schools

J. E. Stanford, 1945, Executive Secretary, Kentucky Farm Bureau Federation

Wendell Howard, 1946, Kentucky Farm Bureau Federation

A. L. Stallings, 1946, Louisville Bank of Cooperatives

H. O. Coffey, 1946, Progressive Farmer

Lee Harris, 1947, College of Education, University of Ky.

Frank Cooley, 1947, Farm Coordinator-Radio Station
WHAS

Charles Taylor, 1947, Agriculture Department, Western

C. O. Neel, 1947, Teacher of Agriculture

Ray Gustafeson, 1947, Louisville Producers

DISTRICT CHAPTER CONTEST

The District Chapter Contest is designed to encourage participation in desirable Future Farmer activities and to stimulate well-rounded local chapter programs of activities.

The most outstanding chapter in each of the nine districts in 1947 was:

<i>District</i>	<i>Chapter</i>
Purchase	Murray Training
Western Kentucky	Hanson
Green River	Daviess County
South Central	South Warren
North Central	Bagdad
Northern	Fleming County High
Bluegrass	Owingsville
Cumberland	Eubank
Eastern	Rowan County High

General Plan

A chapter automatically enters the district chapter contest, in the district to which it belongs, upon submission of its annual report to the Kentucky Association. The annual report form is designed so as to make only one report necessary.

The report form is arranged so as to conform to the "Committee Organization for Directing the Activity Program," and provides opportunity to submit evidence of accomplishment in worthwhile Future Farmer activities.

If the committee organization plan for directing the F. F. A. activities program in a chapter is to function smoothly, it is important that the committee be carefully selected and that the committee members and all members of the chapter have a part in developing the activity program.

Putting The Committee Plan Into Operation

Any association or group that is to function and that is to carry out activities and accomplish goals set must have an organization, a program, and a plan whereby the work may be carried out. Certain persons or groups of persons must have definite responsibilities. "What is everybody's business is nobody's business." Hence, the suggested program of activities in the local F. F. A. chapter.

The regular F. F. A. chapter officers should be elected by June 30 and installed at the August chapter meeting or at

the first meeting after the opening of school. These officers constitute the executive committee. Special committees are usually needed to carry out a well-rounded program of activities. They may be composed of three or more members, depending on the size of the chapter. *Every member of the chapter should be on some committee.* A member should not be on more than one committee unless necessary.

Chapter officers should be selected by means of a nominating committee or by the chapter as a whole. In either case emphasis should be put on selecting officers qualified to do the job. Soon after the officers are installed, the executive committee should meet and select the following committee chairmen from the chapter roll. Supervised Farming, Cooperation, Community Service, Leadership, Earnings and Savings, Scholarship, Conduct of Meetings, Recreation and Information. In case other committees are needed in carrying out the program of activities, chairmen for those committees should be selected too. Before definitely assigning these potential committee chairmen, they should be consulted in order to see if they will, if selected assume the responsibility of chairman. Additional members of the committees should not be selected until school starts. Each committee should have at least one older member on its roster. Finally the committee organization should be approved by the chapter as a whole before work for the year is started.

After committee selections have been made and approved, meetings should be held to consider the activities and responsibilities of each committee and the ways and means of accomplishing the goals set by each committee.

A suggested program of work is listed on the pages that follow. These activities are suggestive only. Each chapter should work out its own goals, and the ways and means of accomplishing them. After being approved by the chapter, they should be transferred to the secretary's book. A copy should be posted on the bulletin board and a copy mailed to the Division of Vocational Education, Frankfort. Each member should be familiar with his chapter's program of activities.

(Sample)

PROGRAM OF ACTIVITIES

Chapter

Address Submitted by Secretary

Activity	Goals	Ways and Means
I. SUPERVISED FARMING		
1. Productive Ent. projects	1. All members own or control all productive enterprise projects.	a. Chapter and members in financing projects. b. Use money earned from projects to broaden scope of programs.
2. Work hours	2. Average work hours per member.	a. Each member set up and carry out a well balanced farming program.
3. Projects	3. Average projects per member.	a. Members carry as many projects as possible. b. Programs include cash crop, livestock and feed projects if possible.
4. Improved practices	4. Each member carry out a minimum of improved practices.	a. Select improved practices in the classroom. b. Plan carefully and carry out each improved practice.
5. Production Standards	5. Set up production standards early in the year for farm practice.	a. Supervised farming committee, set up standards early in the year. Get final approval by chapter before adopting standards.
6. Supervised Farming award	6. Select member with outstanding farm practice program and give him an award.	a. Members select best program. b. Ask to furnish award. c. Present award at father and son banquet.
7. State Fair	7. Members participate in fair.	a. Send poultry exhibit with adviser helping boys prepare exhibit.
8. Judging team	8. Send a judging team to the Kentucky State Fair.	a. Train team during summer.
9. Farming Achievement contests	9. Enter farming achievement contest at District F. F. A. Day	a. Select entries when projects are summarized. Secure forms, fill in neatly and accurately.

Committee

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PROGRAM OF ACTIVITIES—Continued

Activity	Goals	Ways and Means
II. COOPERATION		
1. Livestock	1. Secure livestock for chapter members.	a. Use F.A.A. Cooperative, Inc., for purchasing beef cattle, sheep and dairy cattle whenever possible. b. Buy other livestock needed by members cooperatively, when possible.
2. Feed	2. Purchase feed co-operatively for members and families.	a. Pool orders and buy in large quantities, thus getting better prices.
3. Farm Seeds	3. Purchase farm seed for chapter cooperatively.	a. Purchase hybrid seed corn through F.A.A. Cooperative. b. Buy garden seed cooperatively.
4. Baby Chicks	4. Purchase baby chicks cooperatively for members and neighbors.	a. Pool orders and buy at lower prices.
5. Readjustment	5. 100% member participation.	a. Assist when possible with all governmental agencies in readjustment effort. b. Cooperative with other organizations in the community.
6. Purebred Livestock Breeders Organization	6. Chapter join State and county organization.	a. Pay dues from chapter treasury. b. Attend meetings.
7. Farm Bureau	7. Chapter join Farm Bureau.	a. Pay dues from treasury.
	Committee	
III. COMMUNITY SERVICE		
1. Community Cannery	1. Assist in operating the cannery.	a. Members assist in keeping the cannery in operation. b. Use cannery to conserve food.
2. Home Improvement	2. Sponsor a home improvement program.	a. Ask civic organizations to put up prizes.
3. Culling poultry	3. Cull all members' laying flocks.	a. Members learn to cull, then cull own flocks and those of their neighbors.
4. Pest Extermination	4. 100% member participation.	a. Chapter sponsor contest and secure prizes. Hold contest in the spring.

PROGRAM OF ACTIVITIES—Continued

Activity	Goals	Ways and Means
5. Safety Program	5. Devote one meeting to safety	a. Plan program. Show movie on safety. Use firechief as guest speaker.
6. Wildlife Conservation	6. 100% member participation in wildlife program.	a. Organize fish and game club. b. Work with Division of Game and Fish.
Committee		

IV. LEADERSHIP		
1. Kentucky Farmers	1. Train — members for Ky. Farmer degree.	a. Develop farm practice programs. b. Maintain scholastic standings and develop leadership abilities.
2. State Convention	2. Select, instruct and send 2 delegates to the State Convention.	a. Chapter pay delegates' expenses from treasury.
3. Parliamentary Procedure	3. 100% of members receive training in parliamentary procedure.	a. Train members in classroom and meeting. b. Train a chapter meeting team.
4. Chapter officers training	4. Have efficient, well-trained officers.	a. Train locally and send them to the district officer's training school.
5. Public and Impromptu Speaking	5. Select members to represent the chapter in district F.F.A. Day.	a. Hold local contests. Award cash prizes to winners. Pay prizes from chapter treasury.
6. Outstanding member	6. Select outstanding member.	a. Chapter furnish suitable award. Present award at father and son banquet.
Committee		

V. EARNINGS AND SAVINGS		
1. Dues	1. Pay state and national dues by January 1, 1947.	a. Collect all dues during the first week of school. Mail to State Secretary at once.
2. Chapter Budget	2. Set up chapter budget early in the school year.	a. Use previous year's budget as a guide. Get chapter approval.

PROGRAM OF ACTIVITIES—Continued

Activity	Goals	Ways and Means
3. Finances	3. Raise _____ for chapter treasury.	a. Chapter sponsor pie supper and Halloween carnival to raise funds.
4. Treasurer's Book	4. Use official treasurer's book.	a. Buy book and have treasurer keep book neatly and accurately.
5. Contest	5. Enter treasurer's book in F.F.A. Day contest.	a. Have the book posted to date of contest and keep in ink.
Committee		

VI. CONDUCT OF MEETING

1. Meetings	1. Hold monthly meeting with special meetings when necessary.	a. Plan meetings well in advance. Post proposed business and program on bulletin board before the meeting.
2. Attendance	2. Average _____ attendance at meetings.	a. Make meetings interesting. Serve refreshments at all regular meetings.
3. Honorary Members	3. Elect one or more honorary members yearly.	a. Select men particularly interested in chapter. Confer degree at annual father and son banquet.
4. Initiation	4. Hold Green Hand initiation in October; Chapter Farmer in February.	a. Use official ceremony in both initiations. Present pins.
5. Speakers	5. Use outside speakers at three regular meetings.	a. Secure speakers from local clubs or organizations or from staff.
6. Ritual and Paraphernalia	6. Use rituals and paraphernalia at all meetings.	a. Officers learn parts early in year. Sentinel set up paraphernalia.
7. Secretary's Book	7. Use official secretary's book and enter in district contest.	a. Secure book for incoming secretary. Buy from chapter treasury. Keep neatly and accurately in ink.
8. Chapel Program	8. Give at least 1 chapel program yearly.	a. Members work up and give the chapel program.
Committee		

PROGRAM OF ACTIVITIES—Continued

Activity	Goals	Ways and Means
VII. SCHOLARSHIP		
1. Grades	1. Encourage members make good grades.	a. Older members assist new ones. Give scholarship awards. Post honor roll.
2. Chapter Library	2. Improve and expand chapter library.	a. Buy five new books. Subscribe for 8 good magazines. Encourage members to use library.
	Committee	
VIII. RECREATION		
1. Banquet	1. Hold father and son banquet in March with 90% of members and dads present.	a. Chapter plan program, meal and secure speaker. Ask Future Homemakers to serve banquet.
2. Parties	2. Hold 2 parties during the year.	a. Members plan party. Serve refreshments. Invite guests.
3. Basket Ball	3. Organize F.F.A. team. Play other chapters.	a. Play preliminary games to varsity games. Chapter furnishes transportation.
4. Band and Chorus	4. Chapter sponsor band or chorus. Enter district contest.	a. Ask music teacher to supervise practice. Practice regularly.
	Committee	
IX. INFORMATION (GENERAL)		
1. Newsletter	1. Publish one newsletter during the year. Enter district contest.	a. Elect staff and make it responsible. Mimeograph newsletter. Mail copies to other chapters.
2. Scrapbook	2. Reporter keep official scrapbook. Enter in district contest.	a. All members assist in collecting materials and making the book.
3. Local News	3. Reporter get chapter news in local papers weekly.	a. Reporter write stories and let adviser edit them. Get to know the editors.
4. Radio Program	4. Appear on radio program during the year.	a. Work with the State F.F.A. publicity department in preparing the program.

PROGRAM OF ACTIVITIES—Continued

Activity	Goals	Ways and Means
5. Pictures	5. Make project pictures during the year.	a. Chapter buy kodak. Adviser of members make pictures. Pay expenses from chapter treasury.
6. Window Display	6. Prepare one window display.	a. Members work up display. Use downtown window.
7. Bulletin Board	7. Display clippings and pictures on bulletin board.	a. Information committee responsible. Post neatly and label appropriately. Change regularly.
Committee		

Kentucky Future Farmers Cooperative, Inc.

The Kentucky Future Farmers Cooperative, Inc., was organized in the spring of 1943 and completed its first business year April 30, 1944.

During its first year 70 member chapters did a total business of \$127,380.25 through the cooperative. This business included the purchase of 1,618 steer and heifer beef calves, 2,723 head of cross bred yearling ewes and 142 head of dairy calves.

During the past year 186 member chapters did a total business of \$192,502.24 through the cooperative. Purchased in this year's business were 1,589 head of beef cattle, 534 head of dairy cattle; 1,550 head of western ewes, 1,669 bushels of hybrid corn and chapter supplies such as fire extinguishers, D. D. T. Cattle spray, and phenothiazine.

The Watson Armstrong Trophy

A trophy will be awarded, at the time of the F. F. A. state meeting, to the local chapter of Future Farmers of America that has made the most outstanding record during the year, and whose record of accomplishments during the year shows the greatest improvement over the record of the previous year. The trophy shall become the property of the winning chapter for one year, when it shall be returned to the

state Association to be awarded to another chapter. Each year the name of the winning chapter shall be engraved on the trophy. The trophy shall become the permanent property of the first chapter to win it the third time.

This contest shall be conducted according to the following general provisions:

1. The annual report of the local chapter to the State Association of F. F. A. shall constitute that chapter's entry in this contest. No additional reports or information will be required.
2. To be eligible, a chapter also must have submitted its annual chapter report the previous year, since a comparison of the two reports is necessary to select the winning chapter.
3. A chapter in a newly established department of vocational agriculture will not be eligible to compete for this trophy the first year of its existence.
4. The winning chapter will be selected by a committee of judges named by the executive committee of the State Association of the Future Farmers of America.

Past winners of the trophy are:

1942—Murray Training Chapter
1943—Versailles Chapter
1944—Fleming County High Chapter
1945—Greensburg Chapter
1946—Owingsville Chapter
1947—Rowan County Chapter

National Chapter Contest

The National Chapter Contest is designed to create increased member interest, stimulate cooperative interests and to crystallize chapter programs of activities into more worthwhile undertakings.

An official announcement of the rules of the National contest may be obtained from the Division of Vocational Education, Frankfort.

Score Card

	Program of Work Submitted by January 31, 1945	Report on Accomplishments Submitted by September 2, 1945
I. Supervised Farming	50	150
II. Cooperation	40	120
III. Community Service	40	120
IV. Leadership	30	90
V. Earnings and Savings	30	90
VI. Conduct of Meetings	20	60
VII. Scholarship	20	60
VIII. Recreation	20	60
Total Perfect Score	250	750

Awards

Awards will be made at the National Convention as follows:

To Gold Emblem Chapters—An official national plaque with a gold emblem in miniature and a certificate of merit.

To Silver Emblem Chapters—An official national plaque with a silver emblem in miniature and a certificate of merit.

To Bronze Emblem Chapters—An official national plaque with a bronze emblem in miniature and a certificate of merit.

To Honorable Mention Chapters—A certificate of merit.

Kentucky Chapters have given an excellent account of themselves in the National Chapter Contests in the past. Gold Emblem winners from Kentucky follow:

1942—Stamping Ground

1943—Stamping Ground

Bagdad

1944—No entries

1945—Lafayette—Bryan Station

1946—Lafayette—Bryan Station

Versailles

1947—Owingsville—Versailles

HOW APPLY FOR THE KENTUCKY FARMER DEGREE

Forms for filing application for the Kentucky Farmer Degree may be obtained from the Division of Vocational Education, Frankfort, Kentucky. Applications should be sent to the above office by March 15, 1948.

Every Future Farmer who can meet qualifications for the Kentucky Farmer Degree is entitled to become an applicant for the degree. If the fifteen following questions can be answered in the affirmative about a Future Farmer, he should become a candidate for the degree.

1. If he were to receive the Kentucky Farmer Degree, would he be a credit to his chapter?
2. Has he held the degree of Future Farmer at least one year immediately preceding the coming state F. F. A. meeting?
3. Has he been an active member of the F. F. A. for two years?
4. Has he completed two years of class work in vocational agriculture?
5. Does he now have an outstanding program of supervised farming?
6. Is he familiar with the provisions of the constitution of the State Association and the National Organization?
7. Is he familiar with parliamentary procedure?
8. Can he lead a group discussion for 40 minutes?
9. Can he pass a reasonable farming test?
10. Has he earned \$250 from farming?
11. Has he saved and invested in farming, or otherwise productively invested, \$250?
12. Has he demonstrated leadership ability in chapter, student, or community activities?
13. Does he stand above the lowest 25 per cent of his high-school class in grades made?

14. Has he participated in an outstanding way in activities for community and agriculture betterment?
15. Will his records in the department substantiate his qualifications?

HOW TO APPLY FOR THE AMERICAN FARMER DEGREE

Applications for the American Farmer Degree are due in the National Office by June 1, 1948. Boys holding the Kentucky Farmer Degree who have been out of high school one year and not more than three years are eligible to make application for the degree.

Forms for making applications may be secured from the Division of Vocational Education, Frankfort, Kentucky. Advisers and candidates should begin work on the application by March 1, 1948. Applications should be mailed to the above office on or before April 1, 1948. After applications are sent to the National Office, they cannot be returned for corrections.

Qualifications for the American Farmer Degree are outlined in Article V, Section E, of the National Constitution.

From the list of applications submitted to the National Office, the Kentucky Association in state meeting may make nominations for the degree. A state may nominate one candidate for each thousand affiliated members.

AMERICAN FARMERS

The following young men have merited the recognition of the American Farmer degree:

1932

Charles Mathis, Jr.—Athens Chapter

Joseph Heady—Daviess County Chapter

1933

George H. Rudy—Daviess County Chapter

1934

John A. Riesz—Daviess County Chapter

1935

Lloyd Burris—Stamping Ground Chapter
Harlan Veal—Bryant Station Chapter

1936

James Franklin LeBold—Daviess County Chapter
Julian Pierce—Stamping Ground Chapter

1937

James McConathy III—Picadome Chapter

1938

John Robert Bottorf—Liberty Chapter
Robert Davis—Bryan Station Chapter
Elmer Smith—Bryan Station Chapter
Samuel R. Sauer, Jr.—Daviess County Chapter

1939

J. W. Croft—Marion Chapter
Charles Stephens Hayden—Daviss County Chapter
E. R. Kelly, Jr.—Lewisburg Chapter (Mason Co.)
Billie Renaker—Connersville Chapter
E. B. Wilson, Jr.—Daviess County Chapter

1940

James Bratton—Ewing Chapter
Albert T. Crosby—Lewisburg Chapter (Mason Co.)
Roy H. Hunt—Meade County Chapter
Robert Hutton—Stamping Ground Chapter
Lewis Kelly—Lafayette Chapter
James E. Murray—Deming Chapter

1941

Winifred Guess—Heath Chapter
William Dale Johnson—Stamping Ground Chapter
William Leach—Great Crossing Chapter
Seth T. Posey, Jr.—Corydon Chapter
S. D. Weakley, Jr.—Bagdad Chapter
Charles H. White, Jr.—Clay County Chapter

1942

Joe W. Beck—Alexandria Chapter
George Busey—Bagdad Chapter
William Bush—Clark County Chapter
William LeGrand—Daviess County Chapter
Robert Ballingal—Deming Chapter
John Burrier—Lafayette Chapter
Charles Eastin—Lafayette Chapter
David Cleveland—Pleasureville Chapter

1943

Glen Nelson Alexander—Estill County Chapter
Warren Clay Hibbs—Bardstown Chapter
Vernon Montgomery—Camp Dick Robinson Chapter
James Welch—Versailles Chapter

1944

Robert Cleveland—Pleasureville Chapter
Robert Smith—Hodgenville Chapter
Henry Robertson—Minerva Chapter
John Barnett—Bagdad Chapter
Presley Sauer—Daviess County High Chapter

1945

Walter Coleman—Lafayette Chapter
Leonard Geohegan—Bardstown Chapter
Roy Rice—Minerva Chapter
Robert Tyler—Adairsville Chapter

1946

Paul Smart—Versailles Chapter
Randall Miller—Meade County Chapter
Guy S. Howard—Calhoun Chapter
Harry Emmick—Lewispart Chapter
Joe Glen Edelden—Flaherty Chapter
G. W. Bryant—Jeffersontown Chapter

1947

Richard E. Justis—Caneyville Chapter
William L. Sipes—Meade County Chapter
Royce C. McCormick—Daviess County Chapter
George Henry Stephens—Owingsville Chapter

Thomas Bruce Shields—Owingsville Chapter
Samuel Eugene Hudson—Calhoun Chapter
Charles Kenton Hester—Deming Chapter
Joe D. Whittington—Bloomfield Chapter

In addition, the honorary American Farmer Degree has been conferred upon six Kentuckians:

Ivan Jett, Teacher of Agriculture, Stamping Ground, Kentucky.

R. H. Woods, Director of Vocational Education, Frankfort, Kentucky.

W. C. Mantgomery, Teacher of Agriculture, Stamping Ground, Kentucky.

Fred Trammell, Teacher of Agriculture, Bagdad, Kentucky.

J. P. Truitt—Teacher of Agriculture, Lexington, Kentucky.

C. O. Neel—Teacher of Agriculture, Versailles, Kentucky.

Wm. Judge—Teacher of Agriculture, Owingsville, Kentucky.

Mr. John C. Watts moved that the House do now adjourn to meet again at 9:30 o'clock, a. m., Tuesday, March 16, 1948.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 16, 1948.

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend Paul S. Stauffer, pastor of the First Christian Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	Carson Hibbitts	E. F. Prichard
Jason Alford	E. R. Hilton	Hobart Rayburn
Roy W. Arnold	C. J. Holsclaw	Ottis Roberts
Earl F. Ashcraft	Richard R. Houpt	F. L. Robinson
Sidney Baer	D. W. Howard	Lilburn S. Rogers
Levi Baker	M. G. Howard	Amos Runyan
Bernhardt Bauer	Ira W. Hulette	Glenn Rushing
C. E. Baumgardner	Kerby Jennings	Mrs. Rutherford
Fred Beshear	Paul S. Jonas	Dr. K. N. Salyer
Isaac M. Blevins	J. Ernest Jones	D. B. Saylor
Chas. J. Bronston	L. H. Jones	LeRoy Saylor
Mrs. Mary Burnett	Ercel Kozee	James J. Shannon
Chas. W. Burnley	Harry K. Lowman	Paul E. Shannon
A. H. Calvert	W. E. McClure	James S. Shaw
Paul Carter	Ed Marcum	Jesse H. Shelton
Earl W. Christian	F. G. Marquette	Harry Smith
George I. Cline	E. H. Martin	Chas. L. Spillman
Robert Collins	C. D. Moberly	John M. Stumbo
Everett T. Cooper	Archie R. Moore	Albert Thomason
Perry M. Cross	Davis Moore	G. C. Thornton
Horace T. Cull	Walter Moorman	W. R. Tipton
B. G. Davidson	Fred H. Morgan	Wilford S. Travis
Owen Deering	E. C. Mullins	J. B. Veech
G. I. Drury	Stanley Murphy	John C. Watts
Kermit Dwyer	Thomas A. Noe, Jr.	Lawrence Watts
Henry J. Giles	Joe E. Nunn	Morris Weintraub
Otto W. Goff	H. C. Patterson	Lynn Boyd Wells
Henry C. Hale	H. M. Pewitt	Rodney Whitlow
N. M. Hamilton	J. H. Polsgrove	G. F. Williamson
James P. Hanratty	L. W. Preston	Charles W. Wirsch
Dennis Henderson		

Dr. Salyer moved that the reading of the Journal of the House of the proceedings of Monday, March 15, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Thornton moved that the privilege of the floor be extended to Mr. A. W. Ayers, of Owenton, Ky.

Said motion was agreed to.

Mr. Jonas moved that the privilege of the floor be extended to Mr. Spencer, of Jefferson County.

Said motion was agreed to.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz.:

S. B. No. 66. An Act amending Sub-section (2) of Section 89.590 of the Kentucky Revised Statutes, relating to the City Manager Form of Government for Cities.

S. B. No. 105. An Act relating to research in the fields of medicine and surgery; creating a Medical Research Commission with authority to provide for a research program; and making appropriations for the purpose.

S. B. No. 120. An Act relating to poultry and eggs; including provisions regulating the importing, sale and hatching of poultry, the sale of eggs, and the labeling of poultry and hatching eggs; etc.

S. B. No. 148. An Act amending Sections 410 and 411 of the Civil Code of Practice, relating to actions in which defendants are constructively summoned.

S. B. No. 153. An Act to amend Section 246 of the Constitution of the Commonwealth of Kentucky, prescribing maximum salary limits for all public officers.

With Committee amendment thereto.

S. B. No. 205. An Act relating to the Highway Board of Claims, with particular reference to the time of holding meetings; amending section 176.300 of the Kentucky Revised Statutes.

S. B. No. 239. An Act relating to corporations.

S. B. No. 247. An Act relating to the Sheriff's county revenue bond, providing for payment of premium on such bond by the county where the Sheriff executes a bond with corporate surety.

S. B. No. 255. An Act relating to police court judge and police court judge pro tem in cities of the first class.

S. B. No. 268. An Act to revise and perfect the Kentucky Revised Statutes and the Codes of Practice by repealing certain provisions that have been impliedly repealed or have become obsolete; etc.

S. B. No. 287. An Act providing that the Commonwealth of Kentucky may enter into compact with any of the United States for mutual helpfulness in relation to persons convicted of crime or offenses who may be on probation or parole.

S. B. No. 293. An Act to amend Section 64.150 relating to fees of Jailers.,

S. B. No. 296. An Act relating to city-county airboards in counties containing a city of the first class; amending Section 183.160 of the Kentucky Revised Statutes.

S. B. No. 297. An Act relating to state boards and commissions, with special reference to the terms of the members of certain boards and commissions.

S. B. No. 303. An Act relating to Geology; providing for a Kentucky Geological Survey to be established and operated at and within the University of Kentucky; etc.

S. B. No. 307. An Act relating to aeronautics; making provision for a State Department of Aeronautics, including its organization, personnel, and functions; etc.

S. B. No. 311. An Act to amend Sections 58.020 and 58.030 KRS, which sections are part of an Act providing for the acquisition and development of public projects by governmental units and agencies through revenue bonds, etc.

S. B. No. 312. An Act to amend sections 148.020, 148.030 and 148.040 KRS, which sections pertain to the acquisition of state parks, the issuance of revenue bonds to improve same, etc.

S. B. No. 313. An Act repealing, amending and re-enacting sub-section 2 of Section 12.050 of the Kentucky Revised Statutes relating to compensation of certain officers and employees paid from funds appropriated to statutory administrative departments.

S. B. No. 315. An Act making appropriations for expenses incident to and in connection with the office of Governor and the Governor's Mansion, and providing that said appropriations shall be in lieu of certain other appropriations.

S. B. No. 271. An Act to amend Section 92.670, Kentucky Revised Statutes, relating to levy upon and sale of real property for taxes in cities of second class.

H. B. No. 485. An Act relating to school taxes, amending Section 160.460 of the Kentucky Revised Statutes.

H. B. No. 484. An Act relating to high school service for war veterans.

H. B. No. 483. An Act repealing Chapter 216 of the Acts of 1946.

S. B. No. 42. An Act making an appropriation to the Division of Parks, in the Department of Conservation, to provide for the laying of a water line and necessary appurtenances, from the nearest connection with the city water system of the City of Bardstown, to My Old Kentucky Home.

S. Res. No. 10. A Joint Resolution authorizing Betty Lee Hatfield, an infant nineteen years of age, by her guardian or next friend, to sue the Commonwealth of Kentucky.

S. Res. No. 12. A Joint Resolution authorizing Edmund Hoyle, and others, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

S. Res. No. 20. A Joint Resolution authorizing Maude Turner Herald to file suit against the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School, or any one or more of them.

S. Res. No. 21. A Joint Resolution authorizing and directing the payment of the claim of J. C. Williamson, of Pikeville, Ky., for the return of certain fugitives from justice, and making an appropriation for that purpose.

S. Res. No. 23. A Joint Resolution authorizing Aneil Smith and Maud Smith, of Harlan County, Ky., to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. No. 24. A Joint Resolution authorizing Fred Sloan, administrator of the estate of Clayton Sloan, to sue the Commonwealth of Kentucky.

S. Res. No. 25. A Joint Resolution authorizing H. L. Wilkerson, of Dixon, Ky., to sue the Commonwealth of Kentucky.

S. Res. No. 26. A Joint Resolution authorizing James Daniel Chancey, Louisville, Kentucky, to sue the Commonwealth of Kentucky.

S. Res. No. 28. A Joint Resolution authorizing statutory guardian or next best friend, Douglas Eversole, to sue the Commonwealth of Kentucky and Department of Agriculture.

S. Res. No. 29. A Joint Resolution authorizing the personal representatives, of William Flannery, Grant Judd

and Augustus Mainous to sue the Commonwealth of Kentucky.

S. Res. No. 32. A Joint Resolution authorizing J. V. Kelley, of Salyersville, Ky., to sue the Commonwealth of Kentucky.

S. Res. No. 36. A Joint Resolution authorizing Harvey D. Brown, of Lexington, Ky., to sue the Commonwealth of Kentucky and the Department of Welfare, or either.

S. Res. No. 43. A Joint Resolution making an appropriation for the purpose of paying the claim of A. L. P. Corder, of Cumberland, Ky., for expenses incurred as special agent of the Governor in returning a fugitive from justice, and directing the payment of the amount appropriated to the said A. L. P. Corder.

S. Res. No. 44. A Joint Resolution authorizing Anderson Hays to sue the Commonwealth of Kentucky.

S. Res. No. 50. A Joint Resolution providing for payment of ministers of the churches of Frankfort, Ky., for performing the duties of chaplain for the General Assembly.

S. Res. No. 51. A Joint Resolution repealing, amending and re-enacting Section 1 of Chapter 267 of the Acts of the General Assembly of Kentucky at its regular session 1942, and approved by the Governor March 2, 1942, so as to enable the Governor within his discretion to renew Interstate Compacts to Conserve Oil and Gas.

S. Res. No. 53. A Joint Resolution authorizing Joe Perry, of Greensburg, Ky., to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. No. 54. A Joint Resolution authorizing Raymond Clayton, of Providence, Ky., to sue the Commonwealth of Kentucky.

S. Res. No. 58. A Resolution authorizing Frank Shearer, administrator of the estate of Oral Shearer, deceased, to sue the Commonwealth of Kentucky.

S. Res. No. 59. A Joint Resolution authorizing Charles R. Hagerman, of Ohio County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 60. A Joint Resolution authorizing Charles Henderson, of Lexington, Fayette County, Ky., as parent, natural guardian and next friend for and on behalf of Patricia Ann Henderson.

H. Res. No. 14. Resolution authorizing Charlie Sprowl to sue the Commonwealth.

H. Res. No. 17. A Joint Resolution authorizing W. B. Tatum to file suit against the Commonwealth of Kentucky, the Department of Highways and the Highway Patrol, or any one or more of them.

H. Res. No. 18. Resolution authorizing a suit against the Commonwealth of Kentucky.

H. Res. No. 21. A Joint Resolution authorizing H. L. Wilkerson, of Dixon, Ky., to sue the Commonwealth of Kentucky.

H. Res. No. 25. Joint Resolution authorizing the removal of an unrealized account carried on the account records of the Department of Finance and the Department of the Treasury.

H. Res. No. 28. A Joint Resolution authorizing J. V. Kelley, of Salyersville, Ky., to sue the Commonwealth of Kentucky.

H. Res. No. 38. A Joint Resolution directing the Division of Parks to pay to John Stanley of Danville, Ky., cer-

tain compensation to which he is entitled for services as custodian of the Weisiger Memorial State Park.

H. Res. No. 39. A Joint Resolution authorizing Clayton Henry, of Index, Morgan County, Ky., to sue the Commonwealth of Kentucky.

H. Res. No. 42. A Joint Resolution authorizing Anderson Hays to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

H. Res. No. 43. A Joint Resolution authorizing Elon Johnson, Ivan Martin, and A. E. Owen to sue Hardin County, Ky.

H. Res. No. 46. Joint Resolution of the General Assembly of the Commonwealth of Kentucky, authorizing Scott T. Graves of Franklin County to sue the Commonwealth of Kentucky for an amount not to exceed \$20,000.00.

H. Res. No. 49. A Joint Resolution providing for payment of ministers of the churches of Frankfort, Ky., for performing the duties of chaplain for the General Assembly.

H. Res. No. 54. A Joint Resolution authorizing Raymond Clayton of Providence, Ky., to sue the Commonwealth of Kentucky.

H. Res. No. 57. A Joint Resolution authorizing Alvin Adkins, of Paintsville, Ky., to sue the Commonwealth of Kentucky.

H. Res. No. 60. A Joint Resolution authorizing the payment of a sum of money to Mary B. Hale, of Christian County, Ky., and making an appropriation for that purpose.

H. Res. No. 62. A Joint Resolution authorizing payment of the claim of A. R. Pollock, sheriff of McLean County, for services rendered in the return of a fugitive from justice, and making an appropriation for the purpose.

H. Res. No. 68. A Joint Resolution authorizing the payment of the claim of Clarence Miller for expenses incurred as Commissioner of Finance of the Commonwealth of Kentucky and appropriating the necessary sum to pay said claim out of the General Fund.

H. Res. No. 70. A Joint Resolution providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the distribution of the money so appropriated, and declaring an emergency.

H. B. No. 478. An Act relating to alcoholic beverages, with particular reference to the procuring or possession of a United States special tax stamp or United States license for carrying on the business of a retail dealer in alcoholic beverages.

H. B. No. 486. An Act appropriating money out of the General Expenditure Fund to supply deficiencies in appropriations heretofore made to the following offices, departments, divisions, commissions, institutions, and subdivisions of the state government, to wit:

Clerk of Court of Appeals, Auditor of Public Accounts, Secretary of State, Statute Revision Commission, Department of Treasury, Department of Finance, Department of Welfare, Department of Education, University of Kentucky, Lincoln Institute, The Military Department, and declaring the existence of an emergency.

H. B. No. 487. An Act appropriating money out of the General Expenditure Fund in the State Treasury for the fiscal year ending June 30, 1948, for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing of former appropriations against which such claims were chargeable.

H. B. No. 488. An Act relating to the licensing of motor vehicles owned by governmental units, amending Section 186.060 and Section 186.240 of the Kentucky Revised Statutes.

H. B. No. 489. An Act relating to the subject of cities including the incorporation thereof, etc.

H. B. No. 491. An Act to amend Section 100.075 of the Kentucky Revised Statutes, which Act relates to zoning permits and certificates of occupancy; when required; conditions of issuance, in cities of the first class and counties containing such cities in this Commonwealth.

H. Res. No. 71. A Joint Resolution, authorizing W. W. Owen, Jr., of Daviess County, Kentucky, to sue the Commonwealth of Kentucky.

H. B. No. 490. An Act relating to judicial districts; making changes in the apportionment of counties to the Twenty-fourth and Thirty-first Districts in order to comply with the meaning and intent of the Constitution with respect to division of the state into judicial districts; etc.

H. B. No. 492. An Act to provide for the control of rents for residential housing facilities in certain areas within the state; to establish and to authorize the establishment of rent control areas; etc.

H. B. No. 372. An Act to repeal, amend and re-enact KRS 386.020.

With the expression of opinion that same should pass.

Whereupon said bills and said resolution were each and severally read at length for the first time and

Ordered placed on the Calendar.

Ordered that said bills and said resolutions be read at length the second time.

Mr. Burnley moved that the constitutional provision as to the second reading at length of said bills and said resolutions be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and said resolutions having been dispensed with, said bills and said resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 455. An Act relating to taxation of the income and property of religious, educational or charitable societies, organizations or corporations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No religious, educational or charitable society, organization or corporation which owns any income-producing property shall be entitled to the exemption from the State income tax, granted by KRS 141.040, unless such society, organization or corporation volutarily lists for taxation and pays ad valorem taxes upon all of the income-producing property owned by it, at the same rate and under the same provisions as other property that is subject to taxation.

§ 2. Property voluntarily listed pursuant to Section 1 of this Act shall be separately identified on the tax records. Revenue received by a county from county taxes on such prop-

erty shall be used by the county solely for the purpose of health and welfare functions. Revenue received by the State from state taxes on such property shall be appropriated to the Division of Hospitals and Mental Hygiene as a supplement to its appropriations for the operation of the State eleemosynary institutions.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. E. Baumgardner	Ercel Kozee	E. F. Prichard
Fred Beshear	F. G. Marquette	Lilburn S. Rogers
Chas. W. Burnley	E. H. Martin	Amos Runyan
A. H. Calvert	Walter Moorman	Glenn Rushing
George I. Cline	E. C. Mullins	Mrs. Rutherford
Robert Collins	Stanley Murphy	James J. Shannon
Owen Deering	Thomas A. Noe, Jr.	Chas. L. Spillman
Carson Hibbitts	Joe E. Nunn	G. C. Thornton
C. J. Holsclaw	H. C. Patterson	John C. Watts
Paul S. Jonas	J. H. Polsgrove	G. F. Williamson

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Those who voted in the negative were—

Bernam Adams	James P. Hanratty	L. W. Preston
Sidney Baer	Dennis Henderson	Hobart Rayburn
Levi Baker	E. R. Hilton	Ottis Roberts
Isaac M. Blevins	M. G. Howard	D. B. Saylor
Chas. J. Bronston	Ira W. Hulette	LeRoy Saylor
Everett T. Cooper	J. Ernest Jones	Harry Smith
Horace T. Cull	L. H. Jones	John M. Stumbo
G. I. Drury	Ed Marcum	Albert Thomason
Kermit Dwyer	C. D. Moberly	Lawrence Watts
Otto W. Goff	Archie R. Moore	Charles W. Wirsch
Henry C. Hale	Davis Moore	

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And so said bill was rejected.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 156. An Act to amend and re-enact KRS 296.250, relating to investments by domestic insurance companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 296.250 of the Kentucky Revised Statutes is amended to read as follows:

Except as limited by KRS 296.280, the capital, surplus and accumulations of every domestic insurance company may be invested as follows:

(1) In bonds, notes, warrants and securities that are the direct obligation of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(2) In bonds, notes, warrants and securities that are the direct obligation of any state of the United States, or of the Dominion of Canada or any province thereof, if no default in payment of interest or principal has occurred within five years of the date of the investment therein, or, if the securities were issued less than five years prior to the date of investment therein, since issuance.

(3) (a) In bonds, notes, warrants and securities of any county, incorporated city or school district in any state of the United States or in any province of the Dominion of Canada that are the direct obligation of such county, city or school district and for the payment of which the county, city or school district has lawful authority to levy taxes or make assessments, if the county, city or school district has not, within the preceding five years, defaulted in the payment of interest or principal of any of its bonds, notes, warrants or securities.

(b) In bonds that are payable from revenues or earnings specifically pledged therefor of any public toll bridge owned by any state, incorporated city or legally constituted public corporation or commission which has established and maintained a sinking fund for the payment of the interest and principal of any such issue, if the legality and validity of such issue of bonds has been decreed by the court of last resort having jurisdiction so to decide, and such issue has not been in default as to interest or principal within the preceding five years, or, if the securities were issued less than five years prior to the date of investment therein, since issuance.

(4) (a) In loans secured by entire mortgages, liens, notes or deeds of trust on fee simple, unencumbered, improved real property, or in the entire issue of bonds secured thereby, located in any state of the United States or in the Dominion of Canada. The sum loaned shall not exceed sixty-six and two-thirds percent of the value of the real property at the time of the investment, as shown by a valuation and appraisal in writing made under oath by at least two competent and impartial appraisers. The insurance company shall require the applicant to furnish a sworn statement as to the assessed value for taxation of the property for the three years immediately preceding the application. If the value of the land mortgaged, exclusive of structures thereon, is not worth fifty percent more than the sum loaned thereon, such structures must be insured in an amount not less than the difference between two-thirds of the value of the land, exclusive of structures, and the amount loaned, and the policy shall be payable to and held by the company or a trustee for its benefit and continued in force as long as the loan continues.

(b) The following shall not be considered as prior liens or encumbrances in the construction and application of this subsection: Leasehold estates of any duration, right of ways, servitudes, joint driveways, easements, party-wall agreements, current taxes and assessments not delinquent, and restrictions as to building, use and occupancy if there is not a right of reentry or forfeiture for violation and if there is

no protection as to such forfeiture through a policy of title insurance.

(c) Nothing in this subsection shall be deemed to prohibit any insurance company from renewing or extending a loan for the original or a lesser amount where a shrinkage in value of the real property would cause its value to be less than fifty percent more than the sum loaned thereon as required by paragraph (a) of this subsection, nor to prohibit a company from accepting as part payment for real property sold by it a mortgage thereon for more than two-thirds of the purchase price of such real property.

(5) In bonds of the Federal Land Banks, issued under the provisions of the Act of Congress entitled the "Federal Farm Loan Act" and approved July 17, 1916, and any acts amendatory or supplemental to that Act; in the bonds of any Federal Home Loan Bank, issued under the provisions of the Act of Congress entitled the "Federal Home Loan Bank Act" and approved July 22, 1932; and in any bonds issued by the Home Owners' Loan Corporation, created by the Act of Congress entitled "Home Owners' Loan Act of 1933" and approved June 13, 1933. If any class of securities mentioned in this subsection is secured by the faith and credit of the United States being pledged for the payment of principal and interest, such class of securities shall be deemed to be covered by subsection (1) of this section.

(6) In the following real property:

(a) The building in which it has its principal office and the land upon which it stands, together with such other unencumbered real estate as is requisite for its convenient accommodation in the transaction of its business, but the amount invested in such real property shall not exceed five percent of the company's admitted assets. No real property shall be acquired by any domestic insurance company under this paragraph except with the approval of the director.

(b) Real property that has been mortgaged to it in good faith as security for loans previously contracted or for money due.

(c) Real property that has been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

(d) Real property that has been purchased at sales upon judgments, decrees or conveyances obtained or made for debts previously contracted in the course of its dealings.

(e) Unencumbered real property that has been acquired, in whole or in part, in exchange for real property of approximately the same value legally acquired and held by it, but the amount invested in any one parcel of property so acquired shall not exceed five percent of the company's assets. This percentage limitation shall not apply to property owned by or mortgaged to a domestic insurance company on June 14, 1934.

(f) All property held by an insurance company under this subsection shall be deemed to be property that is proper and necessary for carrying on its legitimate businesses within the meaning of KRS 271.145.

(7) In equipment securities evidencing rights to receive partial payments agreed to be made upon any contract of leasing or conditional sale of rolling stock for use by companies operating railroads in the United States or the Dominion of Canada, if no default in payment of interest or principal of such securities has occurred within five years of the date of the investment therein, or, if such securities were issued less than five years prior to the date of investment therein, since issuance, and if the issue thereof has been approved by the proper public authority where such approval was required by law at the time of issue.

(8) In bonds or other evidences of indebtedness of terminal, belt line and railroad companies in the United States or Canada, adequately secured by first mortgage or pledge of property of the corporation issuing them, or held in trust for its use or benefit, or by adequate collateral so secured, if no default in payment of interest or principal has occurred within five years of the date of the investment therein, or, if such bonds were issued less than five years prior to the date of investment therein, since issuance, and if the issue thereof

has been approved by the proper public authority where such approval was required by law at the time of issue.

(9) In bonds of any telegraph or telephone corporation, or corporation engaged in furnishing gas, electricity, heat, light, power or water, directly or indirectly, to the public in a city in the United States or Canada having not less than twenty-five thousand inhabitants, if the bonds are adequately secured by first mortgage upon franchises or property owned and used by the corporation in its business, and if the issue has been approved by the proper public authority where such approval was required by law at the time of issue, and if the corporation issuing such bonds has not defaulted in the payment of interest or principal upon any of its bonds at any time during five years prior to the date of investment therein.

(10) In bonds of any solvent industrial corporation, adequately secured by first mortgage upon property owned and used by the corporation in its business, if the bonds are listed on the New York Stock Exchange or the New York Curb Exchange, and if the corporation issuing the bonds has not defaulted in the payment of either interest or principal upon any of its bonds at any time during ten years prior to the date of investment therein.

(11) (a) In stocks of any state bank or trust company or of any national bank incorporated under the laws of the United States or a state of the United States, not subject to assessment for double liability, if the bank or trust company has been in existence for five years previous to the investment. Such bank or trust company stock, irrespective of double liability, may be accepted as collateral on loans.

(b) In the preferred stocks of any company organized under the laws of the United States or a state of the United States which company has continuously and regularly paid the dividends provided for thereby during the five years previous to the investment and which stocks are listed on the New York Stock Exchange or the New York Curb Exchange; provided that with respect to preferred stocks issued within five years, the foregoing requirements as to dividend pay-

ments shall apply only from the date of issuance; but in such cases the net earnings of the company and its subsidiaries available for fixed charges of the company and its subsidiaries and/or the net earnings of any predecessor organizations and their subsidiaries available for fixed charges of such predecessor organizations and their subsidiaries, shall average an amount per annum for the preceding five fiscal years at least equal to two times the total of the annual interest charges (including amortization of debt discount and expense) and dividends guaranteed, if any, and the preferred dividend requirement on a pro forma basis. Within the meaning of this subsection, the term "net earnings available for fixed charges" shall mean net income after deducting operating and maintenance expenses, taxes other than federal and state income taxes, depreciation and depletion, but excluding extraordinary non-recurring items of income or expense appearing in the regular financial statements of the issuing company. The listing requirement set forth above shall be deemed to have been complied with in the case of preferred stocks issued within five years if an application has been made, or is stated in the offering prospectus to be contemplated, to list such securities on the New York Stock Exchange or the New York Curb Exchange.

(12) Any domestic insurance company other than life may invest its surplus, and that part of its capital in excess of fifty percent of the minimum capital required by law, in dividend-paying stocks of any solvent corporation organized under the laws of the United States or a state of the United States or the Dominion of Canada or any province thereof, if the corporation has been in existence for five years previous to the date of investment therein.

(13) Any life insurance company may make loans to any policyholder upon the security of its own policies to an amount which shall be adequately secured thereby, and shall not in any case exceed the surrender value specified in the policy.

(14) In the collateral loans described in KRS 296.260 and in the loans and investments described in KRS 386.030 and KRS 386.050.

(15) In obligations issued, assumed or guaranteed by the International Bank for Reconstruction and Development.

(16) In deposits of cash in a checking or savings account, under certificates of deposit or in any other form in banks, trust companies, or Federal Savings and Loan Associations, which have qualified for the insurance protection afforded by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(17) Nothing herein contained shall be construed as repealing by implication or otherwise KRS 296.290 (2).

Mr. Rogers offered the following amendments to said bill, viz.:

Amendment No. 1. Amend printed copy of Senate Bill No. 156 on page 2, Section 3-B, lines 23 through 28.

By striking all of lines 23 through 28 on page 2 and inserting in lieu thereof the following:

“pledged therefor of any public toll bridge, building or improvement owned by any state, incorporated city or legally constituted public corporation or commission which has established and maintained a sinking fund for the payment of the interest and principal of any such issue, and such issue has not been in”.

Amendment No. 2. Amend printed copy of Senate Bill No. 156 on page 6, lines 134 and 135.

By striking from lines 134 and 135 on page 6 the following words:

“, if the bonds are listed on the New York Stock Exchange or the New York Curb Exchange”.

Amendment No. 3. Amend printed copy of Senate Bill No. 156 on page 6, lines 148, 149 and 150.

By striking from lines 148, 149 and 150 on page 6 the following words:

“and which stocks are listed on the New York Stock Exchange or the New York Curb Exchange”.

Amendment No. 4. Amend printed copy of Senate Bill No. 156 on page 7, line 166 through 170.

By striking the sentence that begins with the words “The listing” in line 166 and ending with the word “Exchange.” in line 170.

Said amendments to said bill were each and severally agreed to.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Owen Deering	Ercel Kozee
Levi Baker	G. I. Drury	Harry K. Lowman
C. E. Baumgardner	Kermit Dwyer	W. E. McClure
Fred Beshear	Otto W. Goff	Ed Marcum
Isaac M. Blevins	Henry C. Hale	F. G. Marquette
Chas. J. Bronston	James P. Hanratty	E. H. Martin
Chas. W. Burnley	Dennis Henderson	Archie R. Moore
A. H. Calvert	Carson Hibbitts	Walter Moorman
George I. Cline	E. R. Hilton	E. C. Mullins
Robert Collins	C. J. Holsclaw	Stanley Murphy
Everett T. Cooper	Richard R. Houpt	Thomas A. Noe, Jr.
Perry M. Cross	D. W. Howard	Joe E. Nunn
Horace T. Cull	Ira W. Hulette	H. C. Patterson
B. G. Davidson	L. H. Jones	J. H. Polsgrove

L. W. Preston	D. B. Saylor	Wilford S. Travis
E. F. Prichard	James J. Shannon	John C. Watts
Hobart Rayburn	Paul E. Shannon	Lawrence Watts
Ottis Roberts	Jesse H. Shelton	Lynn Boyd Wells
Lilburn S. Rogers	Chas. L. Spillman	Rodney Whitlow
Amos Runyan	John M. Stumbo	G. F. Williamson
Glenn Rushing	Albert Thomason	Charles W. Wirsch
Dr. K. N. Salyer	G. C. Thornton	—65

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 155. An Act to amend and re-enact KRS 296.255, relating to the investment of funds of domestic life insurance companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 296.255 of the Kentucky Revised Statutes is amended to read as follows:

In addition to the investments now authorized by law, the capital, surplus and all accumulations of every domestic life insurance company may be invested:

(1) In loans to veterans of World War II, guaranteed in whole or in part by the United States, pursuant to Title III of the Act of Congress, known as the "Service Men's Readjustment Act of 1944," as amended by Title 588, Public Law 268, 79th Congress, and any amendments thereto, provided such guaranteed loans are liens upon real estate.

(2) In the bonds, notes, or debentures of solvent, incorporated companies, existing under the laws of the United States or any state thereof, provided that such corporation shall not have defaulted in payment of interest or principal on any of its bonds, notes, debentures, or other evidences of

indebtedness during the ten years immediately preceding the date of investment; and provided further that no part of the property of such corporation shall be subject to any lien or other obligation (except current taxes, mechanics liens, and equipment trust certificates) entitled to priority of payment over said bonds, notes, or debentures; and that the instrument under which same shall have been issued shall provide that, except in the case of purchase money mortgages and purchase money liens, or pledges to or deposits with any court or government or agency thereof, or pledges to secure indebtedness incurred in the ordinary course of business and maturing in not more than one year, if the company shall at any time mortgage, pledge, or otherwise subject to any lien the whole or any material part of any property or assets owned by it, or thereafter acquired by it, it will secure the outstanding notes, bonds, or debentures ratably with the indebtedness or obligation secured by such mortgage, pledge or lien.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Horace T. Cull	Richard R. Houpt
Levi Baker	B. G. Davidson	D. W. Howard
C. E. Baumgardner	Owen Deering	Ira W. Hulette
Fred Beshear	G. I. Drury	L. H. Jones
Isaac M. Blevins	Kermit Dwyer	Ercel Kozee
Chas. J. Bronston	Otto W. Goff	Harry K. Lowman
Chas. W. Burnley	Henry C. Hale	W. E. McClure
A. H. Calvert	James P. Hanratty	Ed Marcum
George I. Cline	Dennis Henderson	F. G. Marquette
Robert Collins	Carson Hibbitts	E. H. Martin
Everett T. Cooper	E. R. Hilton	Archie R. Moore
Perry M. Cross	C. J. Holsclaw	Walter Moorman

E. C. Mullins	Lilburn S. Rogers	Albert Thomason
Stanley Murphy	Amos Runyan	G. C. Thornton
Thomas A. Noe, Jr.	Glenn Rushing	Wilford S. Travis
Joe E. Nunn	Dr. K. N. Salyer	John C. Watts
H. C. Patterson	D. B. Saylor	Lawrence Watts
J. H. Polsgrove	James J. Shannon	Lynn Boyd Wells
L. W. Preston	Paul E. Shannon	Rodney Whitlow
E. F. Prichard	Jesse H. Shelton	G. F. Williamson
Hobart Rayburn	Chas. L. Spillman	Charles W. Wirsch
Ottis Roberts	John M. Stumbo	—65

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 135. An Act relating to Revenue and Taxation, defining the term "business situs," and amending KRS 132.190.

With Committee amendment thereto by way of substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 132.190 Kentucky Revised Statutes is hereby repealed, amended and re-enacted so that as amended and re-enacted it shall read as follows:

"132.190 Property Subject to Taxation; Situs

(1) The property subject to taxation, unless exempted by the Constitution, shall be as follows:

(a) All real and personal property within the State, including intangible personal property of nonresidents and corporations not organized under the laws of this State that has acquired a business situs within this State, except that twenty-five domestic fowls to each family shall be exempt from taxation for any purpose. The term business situs when

applied to intangible property shall mean property used in this state in some trade or business in substantially a continuous operation and not property merely held or invested and reinvested for nonresident beneficial owners by a resident fiduciary or agent.

(b) All intangible personal property of individuals residing in this state and of corporations organized under the laws of this state, wherever located.

(2) The property enumerated in paragraph (b) of subsection (1) of this section shall be considered and estimated in fixing the valuation of corporate franchises.

(3) Property shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale.

(4) The situs of intangible personal property for purposes of taxation shall be at the residence of the real or beneficial owner, and not at the residence of the fiduciary or agent having custody or possession. All intangible personal property shall have a situs and shall be subject to taxation in this state insofar as the General Assembly can subject it to taxation under the Constitution of the United States and of Kentucky. Any intangible property owned by a resident shall be taxable in this state, unless by the date of assessment he has changed his place of abode to a place without this state with the bona fide intention of continuing actually to abide permanently without this state. The fact that a person again abides within this state within six months from so changing his actual place of abode shall be prima facie evidence that he did not intend permanently to have his actual place of abode without this state. A person so changing his actual place of abode and not intending permanently to continue it without this state and not having listed his property for taxation as a resident of this state shall, for the purpose of having his property assessed for taxation within this state, be deemed to have resided, on the day when his property should have been so assessed, at his last actual or habitual place of abode within this state. The fact that a person does not claim or exercise the right to vote at public elections within this state shall not of itself constitute him a nonresident of this state.

(5) An administrator, executor, trustee, committee, curator or agent residing in this state shall not be liable for taxes on intangible personal property held by him if the real or beneficial owner of the property resides outside of this state. This exemption shall not apply in case of an executor or administrator in the exercise of his office as personal representative while the estate of a deceased person is in process of settlement and before the share of the nonresident legatee or beneficiary is set apart to him, or before the legatee or beneficiary is entitled to be paid his share.

(6) Nothing contained in this section shall affect the liability for franchise taxes payable by corporations organized under the laws of this state; nor the method of taxation of banks and trust companies provided in KRS 136.270; nor the method of taxation of building and loan associations provided in KRS 136.300; and nothing contained in this section shall alter or repeal KRS 136.030.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act relating to Revenue and Taxation, repealing and re-enacting KRS 132.190, as modified by the elimination of a provision relating to the situs of intangible personal property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 132.190 Kentucky Revised Statutes is hereby repealed and re-enacted so that as re-enacted it shall read as follows:

“132.190 Property Subject to Taxation; Situs

(1) The property subject to taxation, unless exempted by the Constitution, shall be as follows:

(a) All real and personal property within the State, including intangible personal property of nonresidents and corporations not organized under the laws of thos State that has acquired a business situs within this State except that twenty-five domestic fowls to each family shall be exempt from taxation for any purpose.

(b) All intangible personal property of individuals residing in this state and of corporations organized under the laws of this state, wherever located.

(2) The property enumerated in paragraph (b) of subsection (1) of this section shall be considered and estimated in fixing the valuation of corporate franchises.

(3) Property shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale.

(4) The situs of intangible personal property for purposes of taxation shall be at the residence of the real or beneficial owner, and not at the residence of the fiduciary or agent having custody or possession. Any intangible property owned by a resident shall be taxable in this state, unless by the date of assessment he has changed his place of abode to a place without this state with the bona fide intention of continuing actually to abide permanently without this state. The fact that a person again abides within this state within six months from so changing his actual place of abode shall be prima facie evidence that he did not intend permanently to have his actual place of abode without this state. A person so changing his actual place of abode and not intending permanently to continue it without this state and not having listed his property for taxation as a resident of this state shall, for the purpose of having his property assessed for taxation within this state, be deemed to have resided, on the day when his property should have been so assessed, at his last actual or habitual place of abode within this state. The fact that a person does not claim or exercise the right to vote at public elections within this state shall not of itself constitute him a nonresident of this state.

(5) An administrator, executor, trustee, committee, curator or agent residing in this state shall not be liable for taxes on intangible personal property held by him if the real or beneficial owner of the property resides outside of this state. This exemption shall not apply in case of an executor or administrator in the exercise of his office as personal representative while the estate of a deceased person is in process

of settlement and before the share of the nonresident legatee or beneficiary is set apart to him, or before the legatee or beneficiary is entitled to be paid his share.

(6) Nothing contained in this section shall affect the liability for franchise taxes payable by corporations organized under the laws of this state; nor the method of taxation of banks and trust companies provided in KRS 136.270; nor the method of taxation of building and loan associations provided in KRS 136.300; and nothing contained in this section shall alter or repeal KRS 136.030.

Said Committee amendment to said bill by way of substitute therefor was agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	B. G. Davidson	Ercel Kozee
Jason Alford	Owen Deering	W. E. McClure
Sidney Baer	G. I. Drury	Ed Marcum
Levi Baker	Otto W. Goff	E. H. Martin
C. E. Baumgardner	Henry C. Hale	Archie R. Moore
Chas. J. Bronston	Carson Hibbitts	Davis Moore
Chas. W. Burnley		Walter Moorman
A. H. Calvert	C. J. Holsclaw	E. C. Mullins
Earl W. Christian	Richard R. Houpt	H. S. Overby
Robert Collins	Ira W. Hulette	J. H. Polsgrove
Everett T. Cooper	Paul S. Jonas	L. W. Preston
Perry M. Cross	J. Ernest Jones	E. F. Prichard
Horace T. Cull	L. H. Jones	Hobart Rayburn

Ottis Roberts	Jesse H. Shelton	Wilford S. Travis
Amos Runyan	Harry Smith	John C. Watts
Glenn Rushing	Chas. L. Spillman	Lawrence Watts
D. B. Saylor	John M. Stumbo	Lynn Boyd Wells
James J. Shannon	Albert Thomason	Rodney Whitlow
Paul E. Shannon	G. C. Thornton	Charles W. Wirsch
James S. Shaw		—57

Those who voted in the negative were—

E. R. Hilton	D. W. Howard	—2
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Resolved that the title thereof be as amended.

Mr. Baer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 380. An Act relating to the powers of counties with respect to regulation of the construction, reconstruction, relocation, remodeling, repair and maintenance of buildings in unincorporated territory within the county.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The fiscal court of any county shall have authority, by order or resolution, to adopt, and modify or amend from time to time, a building code governing the construction, reconstruction, remodeling, repair and maintenance of buildings, other than buildings for agricultural purposes located upon premises that are used solely for agricultural purposes, at all places in the county outside of the limits of incorporated cities. Such a code may include, among other things:

(1) Standards of safety, sightliness, sanitation, permanency, ventilation, structural soundness, and the like, for different classes of buildings.

(2) A requirement for a permit for the construction, reconstruction, relocation or remodeling of any building governed by the code.

(3) The imposition of fees for building permits.

(4) Provisions for the inspection of buildings.

§ 2. The substance of any order or resolution made or adopted pursuant to Section 1 of this Act shall be published in a newspaper of general circulation in the county, and the order or resolution shall not become effective until ten days after the day of publication.

§ 3. Any fiscal court which has adopted a building code pursuant to this Act may, in the same order or resolution by which the code was adopted, or in a separate order or resolution, provide for the appointment, and compensation from building permit fees or other county funds, of a building inspector and necessary assistants, and for supplying such inspector with necessary facilities; and vesting the inspector and assistants with authority to issue or deny building permits, inspect buildings, and otherwise enforce and administer the building code.

§ 4. It shall be unlawful, in any county to construct, reconstruct, relocate, remodel or maintain any building in violation of a building code adopted in such county under this Act. Any person who violates any provision of such a code shall be fined not more than one hundred dollars or imprisoned in jail for not more than ten days, or both, and each day during which a violation takes place or continues shall be deemed a separate offense. If any building is constructed, relocated, remodeled, or maintained in violation of such a code, the fiscal court may institute proceedings to abate the violation and to enjoin the continuance of the violation.

§ 5. Any building in existence in a county at the time of adoption of a building code in such county shall not be subject to the provisions of the code, except to the extent that the code

provides minimum standards of safety and sanitation to be observed in the maintenance of buildings, and except that any future reconstruction, relocation or remodeling of such building shall be subject to the provisions of the code relating to reconstruction, relocation and demodeling.

Mr. Jonas offered the following amendment to said bill, viz.:

Amend House Bill No. 380, in line 1 of Section 1 on page 1, by inserting the words "containing a city of the second class" after the word "county".

Said amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Dennis Henderson	C. D. Moberly
Jason Alford	Carson Hibbitts	Archie R. Moore
Roy W. Arnold	E. R. Hilton	Davis Moore
Bernhardt Bauer	C. J. Holsclaw	Fred H. Morgan
Isaac M. Blevins	Richard R. Houpt	E. C. Mullins
Chas. W. Burnley	Ira W. Hulette	Stanley Murphy
A. H. Calvert	Kerby Jennings	Joe E. Nunn
Earl W. Christian	Paul S. Jonas	H. C. Patterson
Everett T. Cooper	J. Ernest Jones	J. H. Polsgrove
Horace T. Cull	L. H. Jones	Hobart Rayburn
G. I. Drury	Ercel Kozee	Amos Runyan
Kermit Dwyer	W. E. McClure	Dr. K. N. Salyer
Henry C. Hale	E. H. Martin	D. B. Saylor

James J. Shannon	John M. Spaulding	Lawrence Watts
Paul E. Shannon	John M. Stumbo	Lynn Boyd Wells
James S. Shaw	Albert Thomason	G. F. Williamson
Harry Smith	John C. Watts	Charles W. Wirsch

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Those who voted in the negative were—

Owen Deering	Ottis Roberts	G. C. Thornton
L. W. Preston		

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Resolved that the title thereof be as aforesaid.

Mr. Jonas moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 441. An Act relating to the payment of premiums on sheriffs' bonds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 62.155 of the Kentucky Revised Statutes is amended to read as follows:

With the exception of the sheriff's county levy bond, and with the exception of those bonds upon which the premium is now paid by the state or county under the provisions of KRS 62.150, 64.120 or 64.125, each sheriff shall have a valid claim against the state for the amounts paid by him for premiums on the bonds required of him by law, when the bonds have been executed by an incorporated suerty company authorized to do a surety business in Kentucky, and when the claims are verified by the sheriff's affidavit. This section is intended to

supersede subsection (2) of KRS 62.140 with respect to sheriffs whose fees are paid into the State Treasury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Richard R. Houpt	Hobart Rayburn
Jason Alford	Ira W. Hulette	Ottis Roberts
Sidney Baer	Paul S. Jonas	Lilburn S. Rogers
Levi Baker	J. Ernest Jones	Amos Runyan
Isaac M. Blevins	L. H. Jones	Dr. K. N. Salyer
Chas. J. Bronston	Ercel Kozee	James J. Shannon
Chas. W. Burnley	Harry K. Lowman	Paul E. Shannon
A. H. Calvert	W. E. McClure	James S. Shaw
Earl W. Christian	E. H. Martin	Jesse H. Shelton
George I. Cline	C. D. Moberly	Harry Smith
Robert Collins	Archie R. Moore	Chas. L. Spillman
Everett T. Cooper	Davis Moore	John M. Stumbo
Horace T. Cull	Walter Moorman	Albert Thomason
B. G. Davidson	Fred H. Morgan	G. C. Thornton
G. I. Drury	E. C. Mullins	Wilford S. Travis
Otto W. Goff	Stanley Murphy	John C. Watts
Henry C. Hale	Joe E. Nunn	Lawrence Watts
Dennis Henderson	J. H. Polsgrove	Lynn Boyd Wells
Carson Hibbits	L. W. Preston	G. F. Williamson
E. R. Hilton	E. F. Prichard	Charles W. Wirsch
C. J. Holsclaw		

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Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Speaker vacated the Chair and designated Mr. Rayburn as Speaker Pro Tem.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills of the following titles, viz.:

S. B. No. 219. An Act to provide that banks, trust companies, or building and loan associations, when making a loan, may renew and extend the note evidencing such loan and may lend additional amounts to the same borrower or borrowers or their successors in title, and that the original mortgage securing payment of such loan shall secure payment of such renewals, extensions and additional loans, where so stated in such mortgage, to the extent of \$2,000.00 in addition to the original amount loaned.

S. B. No. 183. An Act relating to the condemnation of lands and rights in land and material for the use of oil and gas pipe lines, and for recognized underground gas storage fields; prescribing the mode of condemning lands, or rights in land and material for such use; repealing Section 278.500 of the Kentucky Revised Statutes.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker Pro Tem, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 451. An Act repealing Section 28.130, Kentucky Revised Statutes, 1946 (Third Biannual Edition), effective January 1, 1951.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 28.130, Kentucky Revised Statutes, 1946, (Third Biannual Edition), be and the same is hereby repealed.

This Act shall become effective January 1, 1951.

Mr. McClure offered the following amendment to said bill, viz.:

Amend House Bill No. 451, by striking all of lines 1, 2 and 3, on page 1, and inserting in lieu thereof the following:

“Section 1. Section 28.130 of the Kentucky Revised Statutes is repealed, amended and reenacted so as to read as follows:

“Any record books purchased by any county for use of circuit and county court clerks shall comply, in respect to binding, printing, paper and format, with minimum standards prescribed by regulations promulgated by the Commissioner of Finance.

“Section 2. This Act shall become effective on January 1, 1951.”

Said amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, and the same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Otto W. Goff	H. M. Pewitt
Jason Alford	Henry C. Hale	J. H. Polsgrove
Sidney Baer	James P. Hanratty	E. F. Prichard
Levi Baker	Dennis Henderson	Hobart Rayburn
Bernhardt Bauer	Carson Hibbitts	Amos Runyan
Fred Beshear	C. J. Holsclaw	Glenn Rushing
Isaac M. Blevins	Paul S. Jonas	Dr. K. N. Salyer
Chas. J. Bronston	J. Ernest Jones	Paul E. Shannon
Mrs. Mary Burnett	W. E. McClure	James S. Shaw
Chas. W. Burnley	Ed Marcum	Jesse H. Shelton
A. H. Calvert	E. H. Martin	Chas. L. Spillman
Earl W. Christian	C. D. Moberly	John M. Stumbo
George I. Cline	Archie R. Moore	John C. Watts
Horace T. Cull	Davis Moore	Lawrence Watts
B. G. Davidson	Walter Moorman	G. F. Williamson
G. I. Drury	Fred H. Morgan	
Kermit Dwyer	Thomas A. Noe, Jr.	—49

Those who voted in the negative were—

Roy W. Arnold	F. G. Marquette	Ottis Roberts
Paul Carter	E. C. Mullins	LeRoy Saylor
Everett T. Cooper	Joe E. Nunn	G. C. Thornton
Kerby Jennings	H. S. Overby	Lynn Boyd Wells
L. H. Jones	L. W. Preston	—14

Mr. McClure offered the following amendment to the title of said bill, viz.:

Amend the title to House Bill No. 451 by striking all of the title, and inserting in lieu thereof the following:

“An Act relating to record books, repealing, amending and re-enacting Section 28.130 of the Kentucky Revised Statutes.”

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Mr. McClure moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 450. An Act providing for the distribution, to each county, of a portion of the revenue received from certain state taxes on legal processes and instruments.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Twenty-five percent of the revenue received from the taxes imposed by paragraphs (b) and (e) of subsection (1) of KRS 142.010, shall be returned to the county in which the tax was paid and be credited to the General Fund of the county.

§ 2. This Act shall take effect on January 1, 1951.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Isaac M. Blevins	Perry M. Cross
Jason Alford	Chas. J. Bronston	Horace T. Cull
Roy W. Arnold	Mrs. Mary Burnett	B. G. Davidson
Sidney Baer	Chas. W. Burnley	G. I. Drury
Levi Baker	A. H. Calvert	Kermit Dwyer
Bernhardt Bauer	Earl W. Christian	Otto W. Goff
C. E. Baumgardner	George I. Cline	Henry C. Hale
Fred Beshear	Everett T. Cooper	James P. Hanratty

Carson Hibbitts	Archie R. Moore	Glenn Rushing
C. J. Holsclaw	Davis Moore	Dr. K. N. Salyer
Richard R. Houpt	Walter Moorman	D. B. Saylor
D. W. Howard	Fred H. Morgan	James J. Shannon
M. G. Howard	E. C. Mullins	Paul E. Shannon
Ira W. Hulette	Thomas A. Noe, Jr,	James S. Shaw
Paul S. Jonas	H. C. Patterson	Jesse H. Shelton
J. Ernest Jones	H. M. Pewitt	Harry Smith
L. H. Jones	L. W. Preston	Chas. L. Spillman
Ercel Kozee	E. F. Prichard	G. C. Thornton
W. E. McClure	Hobart Rayburn	John C. Watts
Ed Marcum	Ottis Roberts	Lawrence Watts
F. G. Marquette	Lilburn S. Rogers	Rodney Whitlow
E. H. Martin	Amos Runyan	G. F. Williamson
C. D. Moberly		

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Those who voted in the negative were—

Kerby Jennings Joe E. Nunn Lynn Boyd Wells

—3

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 58. A Joint Resolution authorizing the payment of attorneys' fees authorized by the Division of Game and Fish.

Said resolution is as follows, viz.:

Whereas, the Division of Game and Fish lost in Warren County, Kentucky, a Conservation officer as the result of ambush slaying, and

Whereas, the Commonwealth's Attorney of the Judicial District containing said county was at such time engaged in the trial of cases in another county of said district, and

Whereas, the County Attorney was absent from the county, and

Whereas, it was an ambush slaying and a case of purely circumstantial evidence requiring emergency action, which

the Commonwealth's Attorney and County Attorney at the time could not give, and

Whereas, the Game and Fish Commission employed the law firm of Rodes K. Myers, of Bowling Green, Kentucky, to investigate and prosecute the persons determined by a jury to be guilty of such murder, and

Whereas, the law firm of Rodes K. Myers relied upon said contract and entered into said duties prescribed by said contract and has performed the same, and under the terms of said contract will continue to perform such duties until the termination of said prosecution, and

Whereas, said contract provided for the payment of a fee of twenty-five hundred dollars (\$2500.00), and

Whereas, the Attorney General has ruled that the Game and Fish Commission must have authority by law to pay said fee,

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That, upon requisition of the Division of Game and Fish, the Commissioner of Finance hereby is directed to issue a warrant in the sum of twenty-five hundred dollars (\$2500.00) payable to the law firm of Rodes K. Myers, and the State Treasurer is directed to honor and pay said warrant upon its presentation. Such payment shall be charged to the funds of the Division of Game and Fish.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	Hobart Rayburn
Roy W. Arnold	Dennis Henderson	Ottis Roberts
Sidney Baer	Carson Hibbitts	Amos Runyan
Levi Baker	E. R. Hilton	Glenn Rushing
C. E. Baumgardner	C. J. Holsclaw	Dr. K. N. Salyer
Isaac M. Blevins	Ira W. Hulette	D. B. Saylor
Chas. J. Bronston	Kerby Jennings	LeRoy Saylor
Chas. W. Burnley	J. Ernest Jones	James J. Shannon
A. H. Calvert	L. H. Jones	Paul E. Shannon
Paul Carter	Ercel Kozee	James S. Shaw
Earl W. Christian	Harry K. Lowman	Jesse H. Shelton
George I. Cline	W. E. McClure	Harry Smith
Robert Collins	Ed Marcum	Chas. L. Spillman
Everett T. Cooper	F. G. Marquette	John M. Stumbo
Perry M. Cross	E. H. Martin	G. C. Thornton
Horace T. Cull	C. D. Moberly	John C. Watts
B. G. Davidson	Archie R. Moore	Lawrence Watts
Owen Deering	Davis Moore	Lynn Boyd Wells
G. I. Drury	E. C. Mullins	Rodney Whitlow
Kermit Dwyer	Thomas A. Noe, Jr.	G. F. Williamson
Henry J. Giles	Joe E. Nunn	
Henry C. Hale	E. F. Prichard	

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Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 52. A Joint Resolution appropriating from the General Expenditure Fund in the State Treasury, and authorizing and directing the payment to Mr. J. D. Kennedy, ex-jailer of Madison County, the sum of \$480.00.

Said resolution is as follows, viz.:

Whereas, J. D. Kennedy, while serving as jailer of Madison County during the years 1938, 1939, 1940, and 1941, furnished fuel, light and water to the Madison Circuit Court as required by law, and

Whereas, under the provisions of Section 356 of Carroll's Statutes, the said J. D. Kennedy was entitled to receive from the State Treasury the sum of \$480.00 for such services, and

Whereas, through oversight and inadvertence, the claim for such services was not presented to the Department of Finance until after the expiration of the fiscal year in which the services were rendered,

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of \$480.00 is appropriated out of the General Expenditure Fund in the State Treasury, for the purpose of paying the claim of J. D. Kennedy, of Madison County, for fuel, light and water furnished to the Madison Circuit Court during the years 1938, 1939, 1940, and 1941.

The Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer, in favor of the said J. D. Kennedy for said amount, and the Treasurer, upon receipt of the warrant, is directed to issue a check in favor of the said J. D. Kennedy in the amount of \$480.00.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Levi Baker	Chas. J. Bronston
Roy W. Arnold	C. E. Baumgardner	Chas. W. Burney
Sidney Baer	Isaac M. Blevins	A. H. Calvert

Paul Carter	Kerby Jennings	Amos Runyan
Earl W. Christian	J. Ernest Jones	Glenn Rushing
George I. Cline	L. H. Jones	Dr. K. N. Salyer
Robert Collins	Ercel Kozee	D. B. Saylor
Everett T. Cooper	Harry K. Lowman	LeRoy Saylor
Perry M. Cross	W. E. McClure	James J. Shannon
Horace T. Cull	Ed Marcum	Paul E. Shannon
B. G. Davidson	F. G. Marquette	James S. Shaw
Owen Deering	E. H. Martin	Jesse H. Shelton
G. I. Drury	C. D. Moberly	Harry Smith
Kermit Dwyer	Archie R. Moore	Chas. L. Spillman
Henry J. Giles	Davis Moore	John M. Stumbo
Henry C. Hale	E. C. Mullins	G. C. Thornton
James P. Hanratty	Thomas A. Noe, Jr.	John C. Watts
Dennis Henderson	Joe E. Nunn	Lawrence Watts
Carson Hibbitts	E. F. Prichard	Lynn Boyd Wells
E. R. Hilton	Hobart Rayburn	Rodney Whitlow
C. J. Holsclaw	Ottis Roberts	G. F. Williamson
Ira W. Hulette		

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Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 50. A Joint Resolution authorizing payment of the claim of Charles H. White, of Manchester, Kentucky, for services rendered in the capacity of sheriff of Clay County; and appropriating the necessary sum for the purpose.

Said resolution is as follows, viz.:

Whereas, between March 29, 1937, and January 3, 1938, Charles H. White, of Manchester, Kentucky, serving in the capacity of sheriff of Clay County, Kentucky, rendered services under the provisions of KRS 70.150 and 70.160 for which he was entitled to receive from the state the sum of \$1,150.02; and

Whereas, notwithstanding that the claim of the said Charles H. White is a lawful claim, it has not been paid;

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioner of Finance is hereby authorized and directed to draw his warrant upon the State Treasurer, in favor of Charles H. White, of Manchester, Kentucky, in the amount of \$1,150.02, plus interest on said amount at the rate of 6% per annum from January 3, 1938, and the State Treasurer is hereby authorized and directed to pay said warrant when presented. The necessary amount to pay said warrant is hereby appropriated out of the General Expenditure Fund in the State Treasury.

Ordered that said resolution be read at length the third time.

The constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	B. G. Davidson	Harry K. Lowman
Roy W. Arnold	Owen Deering	W. E. McClure
Sidney Baer	G. I. Drury	Ed Marcum
Levi Baker	Kermit Dwyer	F. G. Marquette
C. E. Baumgardner	Henry J. Giles	E. H. Martin
Isaac M. Blevins	Henry C. Hale	C. D. Moberly
Chas. J. Bronston	James P. Hanratty	Archie R. Moore
Chas. W. Burnley	Dennis Henderson	Davis Moore
A. H. Calvert	Carson Hibbitts	E. C. Mullins
Paul Carter	E. R. Hilton	Thomas A. Noe, Jr.
Earl W. Christian	C. J. Holsclaw	Joe E. Nunn
George I. Cline	Ira W. Hulette	E. F. Prichard
Robert Collins	Kerby Jennings	Hobart Rayburn
Everett T. Cooper	J. Ernest Jones	Ottis Roberts
Perry M. Cross	L. H. Jones	Amos Runyan
Horace T. Cull	Ercel Kozee	Glenn Rushing

Dr. K. N. Salyer	Jesse H. Shelton	John C. Watts
D. B. Saylor	Harry Smith	Lawrence Watts
LeRoy Saylor	Chas. L. Spillman	Lynn Boyd Wells
James J. Shannon	John M. Stumbo	Rodney Whitlow
Paul E. Shannon	G. C. Thorton	G. F. Williamson
James S. Shaw		

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Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 18. Resolution authorizing Marion Jackson Givens to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, G. D. Jackson died intestate during the year 1937, and at the time of his death claimed to be the owner of two-thirds of 200 acres of land located in Laurel County, Kentucky, and also claimed to be the owner of six-sevenths of approximately 500 acres of land located in Laurel County, Kentucky; and,

Whereas, Marion Jackson Givens, the daughter and sole heir of G. D. Jackson, deceased, is now claiming an undivided interest in said real estate; and,

Whereas, the Commonwealth of Kentucky is claiming title to said land and has taken possession thereof and is now in possession of said land and same is now being used by the Department of Conservation for the operation and maintenance of a park known as Levi Jackson Park; and,

Whereas, no deed was ever made to the Commonwealth of Kentucky, nor any consideration paid by the Commonwealth of Kentucky or any subdivision thereof to G. D. Jackson, or to Marion Jackson Givens for said property; and,

Whereas, since the Commonwealth of Kentucky has had charge of said property it has used same by renting it for

the cultivation of crops, has attempted to lease the oil and mineral rights thereof and that some of the buildings have been destroyed by fire or otherwise, and the Commonwealth received the benefit of the insurance thereon; and,

Whereas, the Commonwealth of Kentucky has refused to acknowledge the claim of the said Marion Jackson Givens and is still holding possession of the land; and,

Whereas, for the purpose of settling this dispute as to the title of said land and to have said land divided, it is necessary that consent thereto be given by the General Assembly of the Commonwealth of Kentucky,

Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Marion Jackson Givens be, and she is hereby, authorized and permitted to sue the Commonwealth of Kentucky in the Laurel Circuit Court for the purpose of determining the following questions:

1. Whether the said Marion Jackson Givens has any interest in the following described real estate:

Beginning at a large poplar on west bank of Lick Branch, third corner to John Freeman 200 acres and first corner to George M. Freeman 125 acres and in line of George Brooks' 700 acres, Freeman 125 acres and Brooks' 700 acres S 51.45 E 47.7 poles to a white oak in said line and corner to Elias Ellison's land, leaving said line and with Ellison line N 32 E 55 poles to a stone and rotten stump in the old fence row, the fourth corner of the Freeman 125 acres; with Freeman's line N 4.15 E 133 poles to a stake at Evans' fence and at the end of the Jackson wire fence and in the Freeman line; N 57 W 41.9 poles to a stake and maple near the old fence row and on the east side of Lick Creek and down the Creek S 87.45 W 10.9 poles to a stake at or near the water gap; N 37.30 W 23 poles; crossing the creek to a stake in the Freeman east line of the 200 acres; N 3.15 E 30 poles to a stake, Freeman's north east corner of the 200 acres, and northwest corner of

the 125 acres; N 85.30 W $30\frac{3}{4}$ poles to a large sweet gum and two oak saplings at the corner of the old fence row, the first corner of Freeman's 200 acres, also corner to G. G. Finley's land. This gum has two marks on west side; leaving Freeman's 200 acres and with Finley's line N 4 E $132\frac{1}{2}$ poles to a cherry tree, now marked, and an oak stump on south bank of old branch bed and I marked the cherry tree, Jackson and Finley both being present; leaving Finley's line and up the branch as it meanders N 33.15 W 9.2 poles to a gum; S 63.30 W 11 poles; N 79.30 W 17 poles; N 32.18 W 25.8 poles to a stone on the west bank of the branch, Jarbe Moore's corner; leaving the branch and with Moore's line S 51.45 W 19 poles to two black oaks at corner of Moore's fence, one marked and the other not marked; N 59.15 W 62.3 poles to a stake on the top of the ridge; N 14.15 W 42.7 poles to a spotted oak; N 54.45 W 22.2 poles to two post oaks on the ridge; N 26.45 W. 23.2 poles to a stake east of a white oak 17 lengths marked F&A ten or E & W; N 4 E. 4 poles to Moore's fence and line; N. 86 W. with fence to a stake, Moore and Yaden corner, 74.8 poles to a stone in side line Yaden corner; S. 7.45 E 115 poles to a stake, Wm. Walden's south east corner; S 86.30 W. 61 poles to a stone on the east side of the State Road, Walden's southwest corner and in Ella Jackson's east line; S 20.45 E. 13.4 poles to a stake on the east side of the road; Jackson's southeast corner; N. 86.30 W. crossing the road 70 poles at a stake set by S. A. Mori N. 20.45 W. 96.7 poles to a stake at Nantz's fence; S 58.55 W. passing through Nantz's field 83.4 poles to a gum line tree marked on east and west sides, and in all 102.7 poles to two white oak stumps in the east bank of Little Laurel River; down the river S. 46.30 W. 6 poles; S. 40 W. $13\frac{1}{2}$ poles to a stake in the river and supposed to be the beginning to Rochester deed made to Jackson; leaving the river and with the Brooks' line, S. 50.30 E 279.6 poles to a stone in the said line and at the northeast corner of the Catching field and Glade Branch; leaving the Brooks line and with an agreed line between Ella Jackson, C. C. Harkleroad and Brock S. 17 W. 54.1 poles to a stone in an old fence row, Harkleroad's southeast corner and Brock's northeast corner; S 12.17 W. 25 poles to a stake in

the old fence row, Brock's south east corner; S. 13.50 E 4.8 poles to a stake, Watkins' northeast corner of Lewis' last or northeast corner to his $4\frac{1}{2}$ acre survey on the west side of Glade Branch; S. 3 E. 15.8 poles to a post oak on the west side of said branch; S. 7.56 W. 24.7 poles to a black oak on the west bank of Glade branch; N. 51.45 W. 19 poles to a maple, second corner to Lewis' $4\frac{1}{2}$ acre tract; S. 15.45 E. 41.7 poles to a white oak stump on the east bank of Glade Branch; thence down said branch S. 24.30 E. $15\frac{1}{2}$ poles to a pin oak on the west bank of Glade Branch; thence down said branch S. 24.30 E $15\frac{1}{2}$ poles to a pinoak on the west bank of Glade Branch; S. 66.30 E. 10.4 poles to a burr oak on the east bank and one pole above the spring; S. 2.15 W. 10.1 poles to a stake on the east bank; S. 22 E. 17 poles to a stake on the west bank; S. 36 E. 10.7 poles to a black gum on the east bank; S. 5 W. 9.2 poles to a white oak on the east bank; S. 30 E. 26 poles to a stake on the west bank; S. 8.30 W. 13 poles to a stake on the east bank opposite and above the mouth mouth of a branch, Watkins and Lock's corner; leaving Watkins and with Lock's line and down the said branch S. 34.45 E. 12.2 poles; S. 41 E 7.2 poles; S. 44.30 W. 8.2 poles; S. 67 E. 8 poles; S. 38.15 S. 13.1 poles; S. 22 E. 8.7 poles, S. 63.45 E. 6.9 poles; S. 23.30 E. 7.2 poles; S. 29.30 W. poles to a large white oak on the east side of the branch and in the county road; leaving the branch and with the road; N 65.30 E. 36.9 poles; N 86 E. 30.9 poles to a stake in the road and in the Jackson and Black's line; with said line; N. 39.53 E. $155\frac{1}{2}$ poles to a dead black oak in the road and at the corner of Watkins fence and in the Brooks and Freeman line; S. 50 22 E. 60 poles to the beginning, containing 915.7 acres. (C. A. Baker's survey, 1912-15). And excepting the approximately 305 acres previously deeded to the Commonwealth of Kentucky.

2. If she has an interest to file suit for the purpose of having said property divided between Marion Jackson Givens and the Commonwealth, according to their respective interests and to sue the Commonwealth of Kentucky for an accounting for any damages done to said real estate and recover

her proportionate part of any profits made by the Commonwealth of Kentucky or other sums collected by it.

In the event any judgment is recovered by Marion Jackson Givens in said suit as damages to her property, it shall be paid by the Treasurer of the Commonwealth of Kentucky out of the general fund.

Either the Commonwealth or Marison Jackson Givens shall have the right of appeal as in any other civil case.

No statement in this resolution shall be considered by either the court or a jury and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the court or a jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Perry M. Cross	Kerby Jennings
Roy W. Arnold	Horace T. Cull	J. Ernest Jones
Sidney Baer	B. G. Davidson	L. H. Jones
Levi Baker	Owen Deering	Ercel Kozee
C. E. Baumgardner	G. I. Drury	Harry K. Lowman
Isaac M. Blevins	Kermit Dwyer	W. E. McClure
Chas. J. Bronston	Henry J. Giles	Ed Marcum
Chas. W. Burnley	Henry C. Hale	F. G. Marquette
A. H. Calvert	James P. Hanratty	E. H. Martin
Paul Carter	Dennis Henderson	C. D. Moberly
Earl W. Christian	Carson Hibbitts	Archie R. Moore
George I. Cline	E. R. Hilton	Davis Moore
Robert Collins	C. J. Holsclaw	E. C. Mullins
Everett T. Cooper	Ira W. Hulette	Thomas A. Noe, Jr.

Joe E. Nunn	LeRoy Saylor	John M. Stumbo
E. F. Prichard	James J. Shannon	G. C. Thorton
Hobart Rayburn	Paul E. Shannon	John C. Watts
Ottis Roberts	James S. Shaw	Lawrence Watts
Amos Runyan	Jesse H. Shelton	Lynn Boyd Wells
Glenn Rushing	Harry Smith	Rodney Whitlow
Dr. K. N. Salyer	Chas. L. Spillman	G. F. Williamson
D. B. Saylor		

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Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 31. A Joint Resolution authorizing the removal of an unrealized account carried on the account records of the Department of Finance and the Department of the Treasury.

Said resolution is as follows, viz.:

That, whereas, the Department of Finance and the Department of the Treasury are carrying an amount of \$6,562.40 on their account records as a "Cash In Closed Bank" item, and

Whereas, this amount represents an unrealized balance of a deposit with the Peoples Bank of Louisville, Kentucky, and

Whereas, a judgment has been entered in the Jefferson Circuit Court, Chancery Branch, First Division, Case No. 278-242, on October 12, 1943, representing final liquidation by the Department of Banking of the Peoples Bank of Louisville, and

Whereas, there being no further assets for realization of the balance carried on the records of the Department of Finance and the Department of the Treasury,

Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That, the Commissioner of Finance and the Treasurer are hereby authorized to cancel out and remove from their account records the balance of \$6,562.40, item of "Cash In Closed Bank".

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Dennis Henderson	Hobart Rayburn
Sidney Baer	Carson Hibbitts	Ottis Roberts
Levi Baker	E. R. Hilton	Amos Runyan
C. E. Baumgardner	C. J. Holsclaw	Glenn Rushing
Isaac M. Blevins	Ira W. Hulette	Dr. K. N. Salyer
Chas. J. Bronston	Kerby Jennings	D. B. Saylor
Chas. W. Burnley	J. Ernest Jones	LeRoy Saylor
A. H. Calvert	L. H. Jones	James J. Shannon
Paul Carter	Ercel Kozee	Paul E. Shannon
Earl W. Christian	Harry K. Lowman	James S. Shaw
George I. Cline	W. E. McClure	Jesse H. Shelton
Robert Collins	Ed Marcum	Harry Smith
Everett T. Cooper	F. G. Marquette	Chas. L. Spillman
Perry M. Cross	E. H. Martin	John M. Stumbo
Horace T. Cull	C. D. Moberly	G. C. Thornton
B. G. Davidson	Archie R. Moore	John C. Watts
Owen Deering	Davis Moore	Lawrence Watts
G. I. Drury	E. C. Mullins	Lynn Boyd Wells
Kermit Dwyer	Thomas A. Noe, Jr.	Rodney Whitlow
Henry J. Giles	Joe E. Nunn	G. F. Williamson
Henry C. Hale		

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Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 39. A Joint Resolution authorizing the Pearson Construction Company, Incorporated, of 311 Ninth Street, Benton Harbor, Michigan, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, a controversy exists between the Pearson Construction Company, Incorporated, of Benton Harbor, Michigan, and the Department of Welfare and the Department of Finance of the Commonwealth of Kentucky, over a settlement for work done and performed by said Pearson Construction Company, Incorporated, under contract with the said Department of Welfare for the general construction of Negro Ward Building at the Central State Hospital, Lakeland, Kentucky, which contract is designated in the Department of Finance of the Commonwealth of Kentucky as Contract No. CT-3794 and for damages resulting to the Pearson Construction Company, Incorporated, alleged to have been caused by the alleged breach of said contract by the Commonwealth of Kentucky and the Department of Welfare and, alleged to have been caused by the negligence of the agents, officers, servants and employees of the Department of Welfare, and the Commonwealth of Kentucky, and

Whereas, the said parties are not able to arrive at a settlement of their difficulties,

Now, in order to determine by judicial action the respective rights of the parties, and the amounts due the Pearson Construction Company, Incorporated, by the Commonwealth of Kentucky and the Department of Welfare, and whether or not the Pearson Construction Company, Incorporated, is entitled to recover its alleged damages caused by the alleged breach of said contract and the alleged balance due for work under said contract:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That the Pearson Construction Company, Incorporated of Benton Harbor, Michigan, be and it is hereby authorized to institute a suit in the Franklin Circuit Court, at Frankfort, Kentucky, against the Commonwealth of Kentucky and the Department of Welfare of the Commonwealth of Kentucky to recover any amount of money that may be due said Pearson Construction Company, Incorporated, for work done, services performed or materials furnished under a contract with the Department of Welfare, for the general construction of the Negro Ward Building at the Central State Hospital, at Lakeland, Kentucky, and to recover any damages incurred or suffered by the Pearson Construction Company, Incorporated, by the Commonwealth of Kentucky or the Department of Welfare, growing out of any breach of said contract, or out of the negligence of the agents, officers, employees and servants of the Commonwealth of Kentucky, or the Department of Welfare in the fulfillment of operation of said contract.

2. The Attorney General of the Commonwealth may investigate the claim herein and settle or compromise the same before or after suit, if he deems advisable.

Any judgment that Pearson Construction Company, Incorporated, may obtain in said Franklin Circuit Court, against the Commonwealth of Kentucky, or any settlement or compromise with the Attorney General, shall be paid by the Director of Finance by warrant on the State Treasurer, out of any funds in his hands not otherwise appropriated, but the amount of said judgment or compromise settlement shall not exceed the sum of \$50,000.00.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall

not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	Hobart Rayburn
Roy W. Arnold	Dennis Henderson	Ottis Roberts
Sidney Baer	Carson Hibbitts	Amos Runyan
Levi Baker	E. R. Hilton	Glenn Rushing
C. E. Baumgardner	C. J. Holsclaw	Dr. K. N. Salyer
Isaac M. Blevins	Ira W. Hulette	D. B. Saylor
Chas. J. Bronston	Kerby Jennings	LeRoy Saylor
Chas. W. Burnley	J. Ernest Jones	James J. Shannon
A. H. Calvert	L. H. Jones	Paul E. Shannon
Paul Carter	Ercel Kozee	James S. Shaw
Earl W. Christian	Harry K. Lowman	Jesse H. Shelton
George I. Cline	W. E. McClure	Harry Smith
Robert Collins	Ed Marcum	Chas. L. Spillman
Everett T. Cooper	F. G. Marquette	John M. Stumbo
Perry M. Cross	E. H. Martin	G. C. Thornton
Horace T. Cull	C. D. Moberly	John C. Watts
B. G. Davidson	Archie R. Moore	Lawrence Watts
Owen Deering	Davis Moore	Lynn Boyd Wells
G. I. Drury	E. C. Mullins	Rodney Whitlow
Kermit Dwyer	Thomas A. Noe, Jr.	G. F. Williamson
Henry J. Giles	Joe E. Nunn	
Henry C. Hale	E. F. Prichard	

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Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 37. A Joint Resolution authorizing John Cleveland to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That John Cleveland, of New Castle, Indiana, is authorized hereby to sue the Commonwealth of Kentucky and the Department of Highways, either or both, in the Hardin Circuit Court, for damages resulting from personal injury and property damage caused by alleged negligence on the part of an employe of the Commonwealth while said employe was in the line of duty as an employe of the Department of Highways.

Said sum shall be for a sum not in excess of Thirty Thousand Dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No plea of limitations shall be interposed.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Henry C. Hale	E. F. Prichard
Roy W. Arnold	James P. Hanratty	Hobart Rayburn
Sidney Baer	Dennis Henderson	Ottis Roberts
Levi Baker	Carson Hibbitts	Amos Runyan
C. E. Baumgardner	E. H. Hilton	Glenn Rushing
Isaac M. Blevins	C. J. Holsclaw	Dr. K. N. Salyer
Chas. J. Bronston	Ira W. Hulette	D. B. Saylor
Chas. W. Burnley	Kerby Jennings	LeRoy Saylor
A. H. Calvert	J. Ernest J. Jones	James J. Shannon
Paul Carter	L. H. Jones	Paul E. Shannon
Earl W. Christian	Ercel Kozee	James S. Shaw
George I. Cline	Harry K. Lowman	Jesse H. Shelton
Robert Collins	W. E. McClure	Harry Smith
Everett T. Cooper	Ed. Marcum	Chas. L. Spillman
Perry M. Cross	F. G. Marquette	John M. Stumbo
Horace T. Cull	E. H. Martin	G. C. Thornton
B. G. Davidson	C. D. Moberly	John C. Watts
Owen Deering	Archie R. Moore	Lawrence Watts
Kermit Dwyer	E. C. Mullins	Lynn Boyd Wells
G. I. Drury	Thomas A. Noe, Jr.	Rodney Whitlow
Henry J. Giles	Joe E. Nunn	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 19. A Joint Resolution authorizing the payment of the claim of the Hunt-Forbes Construction Company, arising out of a contract with the Commonwealth of Kentucky, and appropriating the necessary sum to pay said claim out of the State Road Fund.

Said resolution is as follows, viz.:

Whereas, under an agreement between the then Commissioner of Highways and the Hunt-Forbes Construction Company, of Boyd County, Kentucky, a modification was made in a contract entered into with the Commonwealth of Kentucky by the said Hunt-Forbes Construction Company, under date of June 18, 1918, for highway construction work, pursuant to which modification agreement the Commonwealth was to reimburse the said company for the additional cost caused by increased freight rates and slag prices; and

Whereas, the additional cost amounted to the sum of \$18,500, to which the said Hunt-Forbes Construction Company is lawfully entitled and for which it has never been reimbursed;

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated, out of the State Road Fund, the sum of \$18,500 for the purpose of paying the claim of the Hunt-Forbes Construction Company, of Boyd County, Kentucky, which claim is identified in the title of this Resolution, and the Department of Finance is directed to draw its warrant upon the State Treasurer, in favor of said company, for said sum of \$18,500, payable out of the State Road Fund.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows. viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Dennis Henderson	Hobart Rayburn
Sidney Baer	Carson Hibbitts	Ottis Roberts
Levi Baker	E. R. Hilton	Amos Runyan
C. E. Baumgardner	C. J. Holsclaw	Glenn Rushing
Isaac M. Blevins	Ira W. Hulette	Dr. K. N. Salyer
Chas. J. Bronston	Kerby Jennings	D. B. Saylor
Chas. W. Burnley	J. Ernest Jones	LeRoy Saylor
A. H. Calvert	L. H. Jones	James J. Shannon
Paul Carter	Ercel Kozee	Paul E. Shannon
Earl W. Christian	Harry K. Lowman	James S. Shaw
George I. Cline	W. E. McClure	Jesse H. Shelton
Robert Collins	Ed Marcum	Harry Smith
Everett T. Cooper	F. G. Marquette	Chas. L. Spillman
Perry M. Cross	E. H. Martin	John M. Stumbo
Horace T. Cull	C. D. Moberly	G. C. Thornton
B. G. Davidson	Archie R. Moore	John C. Watts
Owen Deering	Davis Moore	Lawrence Watts
G. I. Drury	E. C. Mullins	Lynn Boyd Wells
Kermit Dwyer	Thomas A. Noe, Jr.	Rodney Whitlow
Henry J. Giles	Joe E. Nunn	G. F. Williamson
Henry C. Hale		

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the House do now recess for one hour.

Said motion was agreed to.

And then the House recessed.

One hour having expired, the Speaker resumed the Chair and called the House to order.

The Speaker delivered to the Chief Clerk the following communication, viz.:

March 16, 1948

Mr. Byron Royster
 Chief Clerk
 House of Representatives

Dear Mr. Royster:

As Chairman of the Rules Committee, I wish to report that the following bills and resolutions have been approved today and ordered to their first reading. This is your authority to record these bills in lieu of a committee report signed by a majority of the members and will take the place of individual committee reports.

Senate Bill	1	Senate Bill	306
Senate Bill	14	Senate Bill	212
Senate Bill	340	Senate Bill	231
Senate Bill	38	Senate Bill	203
Senate Bill	319	Senate Bill	345
Senate Bill	320	Senate Bill	270
Senate Bill	321	Senate Bill	208
Senate Bill	322	Senate Bill	289
Senate Bill	323		

A majority of the Rules Committee today has reported the following bills to be acted upon in the Orders of the Day:

Senate Bill	132	House Res.	35
Senate Bill	195	House Bill	179
Senate Bill	233	Senate Bill	207
Senate Bill	234	House Bill	476
Senate Bill	235	House Bill	477
Senate Bill	237	Senate Bill	133
Senate Bill	173	Senate Bill	182
Senate Bill	213	Senate Bill	244
Senate Bill	221	Senate Bill	62
Senate Bill	160	Senate Bill	189
Senate Bill	53	Senate Bill	71
Senate Bill	89	Senate Bill	166
Senate Bill	182	Senate Bill	256
Senate Bill	127	Senate Bill	34
House Bill	378	Senate Bill	90

Senate Bill	115	House Bill	472
Senate Bill	143	House Bill	170
Senate Bill	242	Senate Bill	249
Senate Bill	196	House Bill	91
House Bill	397	Senate Bill	118
Senate Bill	141	House Bill	442
Senate Bill	135	House Bill	467
Senate Bill	157	House Bill	18
Senate Bill	112	House Res.	69
Senate Bill	113	House Bill	453
Senate Bill	197	House Bill	462
Senate Bill	199	House Bill	463
Senate Bill	229	House Bill	458
Senate Bill	238	House Res.	47
Senate Bill	262	House Res.	44
Senate Bill	85	House Res.	45
Senate Bill	11	House Bill	471
Senate Bill	13	House Bill	328
Senate Bill	63	Senate Bill	285
Senate Bill	299	Senate Bill	158
Senate Bill	246	Senate Bill	127
House Bill	447	Senate Bill	53
Senate Bill	253	House Bill	473

Very truly yours,

(Signed) T. Herbert Tinsley
Speaker

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills of the following titles, viz.:

H. B. No. 402. An Act pertaining to child labor and employment and regulation of employment of infants.

H. B. No. 254. An Act providing for the payment of certain expenses to the Judges and Commissioners of the Court of Appeals and the Circuit Judges of the Common-

wealth; imposing a tax on civil suits to further the purposes of the Act; creating a Revolving Fund; providing for the advancement to the Revolving Fund from the General Fund the sum of \$75,000.00, and its repayment to the General Fund; and declaring an emergency to exist.

H. B. No. 16. An Act relating to the special education of physically and mentally handicapped children; creating a Division of Special Education for Handicapped Children; providing for special educational facilities; and appropriating money therefor.

H. B. No. 308. An Act relating to expense of operating motor vehicle used by state officers, employe, or agent.

H. B. No. 285. An Act relating to soil and water resources, defining additional powers and duties of the Soil and Water Resources Commission and the Division of Soil and Water Resources; providing that certain heavy or specialized machinery or equipment shall be made available to Soil Conservation Districts, and setting forth the terms and conditions of same, making an appropriation therefor, and repealing all laws or parts of laws in conflict herewith.

H. B. No. 270. An Act concerning the accountant in cities of the first class.

H. B. No. 269. An Act concerning the receipt, custody and disbursement of city funds; receipts; in cities of the first class.

H. B. No. 268. An Act concerning accounts and records kept by the director of finance; duties as to claims against city; countersigning of checks, in cities of the first class.

H. B. No. 267. An Act concerning the Tax Receiver in cities of the first class.

H. B. No. 266. An Act relating to assessment returns in cities of the first class.

H. B. No. 265. An Act concerning the annual levy of taxes by cities of the first class, the disposition of revenues, and the effect of the failure to make such a levy.

H. B. No. 264. An Act concerning tax bills, how made out and listed for collection; evidence of validity of tax, in cities of the first class.

H. B. No. 65. An Act relating to the common school equalization fund, with particular reference to eligibility of school districts to participate in the fund.

H. B. No. 9. An Act relating to juries.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. No. 166. An Act relating to adequate sewer and drainage facilities in cities of the first class and in counties

containing such cities, amending Sections 76.060, Subsection (7) of Section 76.080, Subsection (10) of Section 76.080 of the Kentucky Revised Statutes, subsection (5) of Section 76.030 of Kentucky Revised Statutes and creating a new Section relating to such facilities to wit: Number 76.091 Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 76.060 of the Kentucky Revised Statutes is hereby amended and as amended reads:

The board shall, in July of each year, elect from its members a chairman and a vice-chairman, who shall be of different political party affiliation. It shall employ a secretary-treasurer and a chief engineer, neither of whom shall be a member of the board. The secretary-treasurer and the chief engineer may be removed by the board for cause, after hearing by it and after at least ten days notice in writing shall have been given to the secretary-treasurer or chief engineer, as the case may be; which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the board shall be final. The secretary-treasurer and the chief engineer shall each devote his entire time and attention exclusively to the services of the board. The board may employ, and remove at pleasure, professional and technical advisors, experts, and other employes, skilled or unskilled, as it deems requisite for the performance of its duties, except that it may not employ a lawyer or lawyers. The director of law, otherwise city attorney, of each such city, and such of his assistants as he shall designate, shall render all legal services pertaining to the said City and County metropolitan sewer district and its board and the business, activities, and affairs, thereof, provided however, that if adverse legal positions arise as between such city on the one hand and such district and board on the other, the latter may employ such legal counsel for such situation and upon such terms as the legislative body of such city may authorize by ordinance.

The board shall require the secretary-treasurer and the chief engineer each to execute bond and may exact from such of its other officers and employes bonds as it may deem expedient. All such bonds shall be payable to the district in such sums as the board may fix, with approved corporate surety, and premiums therefore shall be paid by the district. Such bonds shall obligate the makers thereof to faithfully perform the duties of their respective offices and positions and to fully account for and pay over all money, property, or other thing of value of the district, which may come to their hands, respectively. The board shall fix the salaries and compensation of the officers and employes it engages, which salaries and compensation, however, shall be in line with that paid by the city and county for similar services.

Section 2. Subsection (7) of Section 76.080 of the Kentucky Revised Statutes is hereby amended and as amended reads:

(7) To make bylaws and agreements for the management and regulation of its affairs and for the regulation of the use of property under its control and for the establishment and collection of sewer rates, rentals and charges, which sewer rates rentals and charges, applicable within the limits of a city of the first class, shall be subject to the approval, supervision and control of the legislative body of such city as hereinafter provided.

Section 3. Subsection (10) of Section 76.080 of the Kentucky Revised Statutes is hereby amended and as amended reads:

(10) To fix and collect sewer rates, rentals, and other charges, for service rendered by the facilities of the district, which sewer rates, rentals, and other charges, applicable within the limits of a city of the first class, shall be subject to the approval, supervision and control of the legislative body of such city as hereinafter provided.

Section 4. A new section of Kentucky Revised Statutes is created numbered 76.091 and reads:

76.091. The legislative body of the city of the first class is hereby vested with visitorial powers over the said city and

county metropolitan sewer district and its Board, and the business, activities, and affairs, thereof. Such legislative body may of its own initiative, make such inquiries of, and examinations into, the business, activities, and affairs of such district and its board and call for such reports and information as such legislative body deems desirable and necessary in the premises, and it shall be the duty of such district and board and their officers to cooperate with such legislative body in its endeavors to obtain true and accurate existing conditions and status and to promptly furnish such reports and information so requested. Such legislative body may, of its own initiative, after examination and investigation and such public hearing or hearings as it may deem necessary and proper, effect such reasonable changes, by ordinance, in sewer rates, rentals and other charges applicable within the limits of a city of the first class, as may be necessary, proper and justifiable in the premises, to the end that the purposes of the Act which this amends may be accomplished, provided however, no change in such sewer rates, rental or other charges shall impair the obligation of any contract nor the integrity of any indebtedness of the district or its board either bonded or otherwise nor in any manner cripple, impede or impair the district or its board or the business, activities, or affairs, thereof. In considering and effecting changes in such sewer rates, rentals and other charges, such legislative body shall observe the criteria set forth in KRS 76.090.

Section 5. Sub-section 5 of Section 76.030 of Kentucky Revised Statutes is hereby amended to read as follows:

“(5) The members of the board shall be paid \$10.00 for each meeting of the board attended by such member, but no member of said board shall be paid more than two hundred and forty dollars during any fiscal year of the board, nor for more than twenty-four meetings held during any fiscal year of said board.”

Section 6. If any clause, sentence, paragraph, or other part of this Act, shall for any reason, be finally adjudged by any court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair, nor invalidate,

the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, or other part hereof, directly involved in the controversy in which such judgment shall have been rendered.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	E. F. Prichard
Jason Alford	E. R. Hilton	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Richard R. Houpt	F. L. Robinson
Levi Baker	D. W. Howard	Lilburn S. Rogers
Bernhardt Bauer	M. G. Howard	Amos Runyan
C. E. Baumgardner	Ira W. Hulette	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	J. Ernest Jones	D. B. Saylor
Mrs. Mary Burnett	L. H. Jones	LeRoy Saylor
Chas. W. Burnley	Ercel Kozee	James J. Shannon
A. H. Calvert	Harry K. Lowman	Paul E. Shannon
Earl W. Christian	W. E. McClure	Jesse H. Shelton
George I. Cline	Ed Marcum	Harry Smith
Everett T. Cooper	F. G. Marquette	Chas. L. Spillman
Perry M. Cross	E. H. Martin	Albert Thomason
Horace T. Cull	C. D. Moberly	G. C. Thornton
Owen Deering	Fred H. Morgan	W. R. Tipton
Henry J. Giles	E. C. Mullins	J. B. Veech
Otto W. Goff	Stanley Murphy	John C. Watts
N. W. Hamilton	Thomas A. Noe, Jr.	Lynn Boyd Wells
James P. Hanratty	Joe E. Nunn	Rodney Whitlow
Dennis Henderson	J. H. Polsgrove	Charles W. Wirsch

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There voted in the negative—

James S. Shaw

—1

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 69. A Joint Resolution repealing, amending and reenacting Section 1 of Chapter 267 of the Acts of the General Assembly of Kentucky at its regular session 1942, and approved by the Governor March 2, 1942, so as to enable the Governor within his discretion to renew Interstate Compacts to Conserve Oil and Gas, etc.

Said resolution is as follows, viz.:

A Joint Resolution ratifying and approving the interstate compact to conserve oil and gas as herein set out, authorizing the Governor of the State to execute an agreement to enable this State to become a member thereof, prescribing the form of the agreement, designating the Governor of this State as the authorized representative upon the interstate oil compact commission, authorizing and enabling him to appoint an assistant representative, prescribing procedure for the withdrawal from the compact, and declaring an emergency.

Whereas on the 16th day of February, 1935, the States of Colorado, Illinois, Kansas, New Mexico, Oklahoma and Texas entered into an interstate agreement known as the Interstate Compact to Conserve Oil and Gas, which agreement signed by the proper officials of these States is now on deposit with the Department of State of the United States in Washington, D. C., said agreement, unless extended, terminating on September 1, 1937;

And Whereas by agreements duly entered into by said States pursuant to legislative authority said Compact has

been extended from time to time and is now in full force and effect.

And Whereas said Interstate Compact to Conserve Oil and Gas provides as follows: "Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified and ratified."

And Whereas it is deemed advisable that the Commonwealth of Kentucky join and become a member of the Interstate Compact to Conserve Oil and Gas as now constituted;

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1 of Chapter 267 of the Acts of the General Assembly for 1942 regular session, be repealed, amended and re-enacted so that said section shall read as follows:

Section 1. The Interstate Compact to Conserve Oil and Gas entered into by the Governors of the States of Colorado, Illinois, Kansas, New Mexico, Oklahoma and Texas, and the representatives of certain other oil producing States at Dallas, Texas, on the 16th day of February, 1935, and extended as aforesaid, is hereby ratified, approved and confirmed by the Commonwealth of Kentucky and the Governor of this Commonwealth is hereby authorized, empowered and directed to affix its signature to a counterpart of said Interstate Compact to Conserve Oil and Gas, or any renewal thereof within the Governor's discretion, and have a certified copy of same, or a copy of any renewal of the Compact deposited with the Department of State of the United States in Washington, D. C., as provided by Article VIII of said Compact.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	D. W. Howard	Lilburn S. Rogers
Roy W. Arnold	M. G. Howard	Amos Runyan
Sidney Baer	Ira W. Hulette	Glenn Rushing
Levi Baker	Kerby Jennings	Dr. K. N. Salyer
C. E. Baumgardner	Paul S. Jonas	D. B. Saylor
Isaac M. Blevins	J. Ernest Jones	LeRoy Saylor
Chas. J. Bronston	Ercel Kozee	James J. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
George I. Cline	F. G. Marquette	Harry Smith
Cull, Horace T.	E. H. Martin	Chas. L. Spillman
B. G. Davidson	C. D. Moberly	John M. Stumbo
Owen Deering	E. C. Mullins	W. R. Tipton
Henry J. Giles	Stanley Murphy	Wilford S. Travis
Otto W. Goff	Thomas A. Noe, Jr.	J. B. Veech
N. M. Hamilton	Joe E. Nunn	John C. Watts
James P. Hanratty	J. H. Polsgrove	Lynn Boyd Wells
Dennis Henderson	L. W. Preston	Rodney Whitlow
Carson Hibbitts	Hobart Rayburn	G. F. Williamson
E. R. Hilton	Ottis Roberts	Charles W. Wirsch
C. J. Holsclaw	F. L. Robinson	—62

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the rules be suspended for the purpose of allowing a Report of Committee.

Said motion was agreed to by a majority of the members elected.

Thereupon, the Committee on Rules, to which the same had been referred, reported bills of the following titles, viz.:

S. B. No. 1. An Act making an appropriation for the purpose of recovering and providing for the burial of bodies of those men who were killed in the Straight Creek Coal Mine disaster on or about December 26, 1945, and whose bodies are

now entombed in the mine, and providing means and methods by which recovery of the bodies may be accomplished, and declaring an emergency. This Act shall be known and cited as the Moss-Hibbits Act.

S. B. No. 14. An Act relating to taxation by cities.

S. B. No. 340. An Act relating to the availability of state funds appropriated for public assistance, including old age assistance, aid to dependent children, and aid to the needy blind.

S. B. No. 38. An Act to amend Section 75 of the Criminal Code of Practice, relating to bail after conviction and pending appeal.

S. B. No. 319. An Act for the consolidation of the offices of sheriff and jailer in counties containing a city of the first class.

S. B. No. 320. An Act providing for the use, operation and administration of jails in counties containing a city of the class.

S. B. No. 321. An Act providing for the acquisition, use, operation and administration of a workhouse or penal farm in counties containing a city of the first class.

S. B. No. 322. An Act providing for the parole of persons confined in the workhouse or penal farm for counties containing a city of the first class.

S. B. No. 323. An Act relating to private corporations, amending Section 271.005 of the Kentucky Revised Statutes.

S. B. No. 206. An Act conferring additional powers and duties upon the Kentucky Statute Revision Commission, with respect to the preparation, publication and distribution of certain legal material, particularly an index to the Debates of the Constitutional Convention of 1890 and 1891.

S. B. No. 212. An Act to repeal and reenact Section 298.100 of the Kentucky Revised Statutes relating to the annual statement of condition required of a domestic insurance company.

S. B. No. 231. An Act relating to the acquisition and preservation of revenue stamps by the Kentucky Historical Society.

S. B. No. 203. An Act to amend Sub-section (2) of Section 69.110 of Kentucky Revised Statutes pertaining to district detectives in counties containing cities of the second class.

S. B. No. 345. An Act relating to financial assistance for the development of airports.

S. B. No. 270. An Act relating to highway traffic regulations, with particular reference to meeting, overtaking or passing a stopped school bus.

S. B. No. 208. An Act fixing and establishing the boundary between the counties of Clinton and Cumberland, in the vicinity of the Dale Hollow Reservoir.

S. B. No. 289. An Act relating to the destroying, breaking, tearing down, writing upon, marring, handling or carrying away of any rock, wall, or other formation within any cave exhibited to the public as a natural attraction, without the consent of the owner.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Polsgrove moved that the rules be suspended and the privilege of the floor extended to Messrs. J. J. McTigue,

Homer McLellen, Guy C. Scherer, Sam Robinson, John J. Barry and Bernard Bak.

Said motion was unanimously agreed to.

Mr. Spillman moved that the rules be suspended and the privilege of the floor extended to Mr. Clarence White.

Said motion was unanimously agreed to.

Mr. Moorman moved that the rules be suspended and the privilege of the floor extended to Mrs. Katie Houpt, Miss Mary Margaret Houpt and Mrs. E. R. Nelson.

Said motion was unanimously agreed to.

Mr. Marquette moved that the rules be suspended and the privilege of the floor extended to Miss Sue C. Biddle, Miss Hilda Hurst, Miss Carolyn McNay, Mr. Glen Scott, Mr. Donald Hutchinson, Mr. Hayes Jacobs and Mr. Samuel Swanson.

Said motion was unanimously agreed to.

Mr. Deering moved that the rules be suspended and the privilege of the floor extended to Messrs. H. C. Spaulding and J. S. Thomas.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 453. An Act to amend Section 41.220 of the Kentucky Revised Statutes relative to designation of state bank depositories.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 41.220 of the Kentucky Revised Statutes be hereby amended to read:

The treasurer, with the approval of the Department of Finance, shall designate in writing to the governor, to be entered on the executive journal, not less than three solvent banks as depositories. Each bank selected as a depository for state funds shall have not less than the minimum capital stock as required in paragraph (2) and (3) of Section 287.070 of the Kentucky Revised Statutes. A list of the banks so designated shall be certified to the Department of Finance. If it at any time appears that the capital of any depository has become impaired, the Treasurer may cause the state's deposits to be withdrawn therefrom, and shall, in like manner, name another depository.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with; said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Henry J. Giles	Harry K. Lowman
Jason Alford	Otto W. Goff	W. E. McClure
Roy W. Arnold	Henry C. Hale	Ed Marcum
Sidney Baer	N. M. Hamilton	F. G. Marquette
Levi Baker	Carson Hibbitts	E. H. Martin
Bernhardt Bauer	E. R. Hilton	C. D. Moberly
C. E. Baumgardner	C. J. Holsclaw	Archie R. Moore
Isaac M. Blevins	Richard R. Houpt	Fred H. Morgan
Chas. J. Bronston	D. W. Howard	E. C. Mullins
Mrs. Mary Burnett	M. G. Howard	Stanley Murphy
Chas. W. Burnley	Ira W. Hulette	Thomas A. Noe, Jr.
A. H. Calvert	Kerby Jennings	Joe E. Nunn
Earl W. Christian	Paul S. Jonas	J. H. Polsgrove
George I. Cline	J. Ernest Jones	L. W. Preston
Everett T. Cooper	L. H. Jones	E. F. Prichard
Owen Deering	Ercel Kozee	Hobart Rayburn

Ottis Roberts	Paul E. Shannon	W. R. Tipton
Amos Runyan	James S. Shaw	Wilford S. Travis
Glenn Rushing	Chas. L. Spillman	John C. Watts
Dr. K. N. Salyer	John M. Stumbo	Rodney Whitlow
D. B. Saylor	Albert Thomason	G. F. Williamson
LeRoy Saylor	G. C. Thornton	Charles W. Wirsch
James J. Shannon		—67

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 442. An Act relating to the adoption of school textbooks, with particular relation to the adoption of a book or books containing the full text of the Kentucky Constitution.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The State Textbook Commission, at the time of the next adoption of school textbooks, shall adopt at least one textbook, in the field of history or political science, for use in each of the high school and junior high school grades, that contains the full text of the Kentucky Constitution.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	Ottis Roberts
Roy W. Arnold	Richard R. Houpt	F. L. Robinson
Earl F. Ashcraft	D. W. Howard	Amos Runyan
Sidney Baer	M. G. Howard	Glenn Rushing
Levi Baker	Ira W. Hulette	Dr. K. N. Saylor
Bernhardt Bauer	Kerby Jennings	D. B. Saylor
C. E. Baumgardner	Paul S. Jonas	LeRoy Saylor
Isaac M. Blevins	J. Ernest Jones	James J. Shannon
Chas. J. Bronston	L. H. Jones	Paul E. Shannon
Mrs. Mary Burnett	Ercel Kozee	James S. Shaw
Chas. W. Burnley	Harry K. Lowman	Jesse H. Shelton
Paul Carter	W. E. McClure	Harry Smith
Earl W. Christian	Ed Marcum	John M. Stumbo
George I. Cline	F. G. Marquette	Albert Thomason
Everett T. Cooper	E. H. Martin	G. C. Thornton
B. G. Davidson	C. D. Moberly	W. R. Tipton
Owen Deering	Fred H. Morgan	Wilford S. Travis
Henry J. Giles	E. C. Mullins	J. B. Veech
Otto W. Goff	Stanley Murphy	John C. Watts
Henry C. Hale	Thomas A. Noe, Jr.	Lynn Boyd Wells
N. M. Hamilton	Joe E. Nunn	Rodney Whitlow
James P. Hanratty	E. F. Prichard	G. F. Williamson
Carson Hibbitts	Hobart Rayburn	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Robinson moved that the rules be suspended for the purpose of offering a resolution.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Robinson offered the following resolution, viz.:

H. Res. A. Whereas, there has been introduced in the House of Representatives House Bill 231 to provide for the admission of negro students to courses of graduate grade in any institution of higher learning in this State excepting State Teachers Colleges; and

Whereas, limited time and pressure of urgent legislation makes it impossible to adequately consider House Bill 231; and,

Whereas, neighboring states are also at this time making legislative study of this matter and believing that cooperation of other states will bring an effective solution,

Be it resolved that this House respectfully request the Legislative Research Committee to make an immediate and thorough study of both state and regional aspects of this matter and that they respectfully submit their findings to the next General Assembly after the completion of their survey.

Said resolution was adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 458. An Act to amend Subsection 1 of Section 26.530 of the Kentucky Revised Statutes, relating to disposition of fines and forfeitures recovered in the police courts of cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection 1 of Section 26.530 of the Kentucky Revised Statutes is hereby amended so that when amended it shall read as follows:

“All fines and forfeitures recovered in the Police Court of any city of the first class, by prosecution in the name of the city of the State, shall be paid into the City Treasury as a

contribution towards the expense of the Police Court, provided that fines so collected in excess of the expense of the court, for a period of ten years, beginning January 1, 1949, shall be set aside, deposited, and earmarked for the purpose of establishing a fund sufficient to permit and to be used for and in the construction of a new municipal court building or City Hall suitable for the needs of two separate and complete police courts. The construction of such building shall be started on or before January 1, 1959. On and after January 1, 1959, such fines and forfeitures shall be paid into the City Treasury.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Otto W. Goff	E. H. Martin
Jason Alford	N. M. Hamilton	Archie R. Moore
Earl F. Ashcraft	Carson Hibbitts	Fred H. Morgan
Sidney Baer	E. R. Hilton	E. C. Mullins
Levi Baker	C. J. Holsclaw	Stanley Murphy
Bernhardt Bauer	Rihard R. Houpt	J. H. Polsgrove
C. E. Baumgardner	D. W. Howard	L. W. Preston
Fred Beshear	M. G. Howard	E. F. Prichard
Isaac M. Blevins	Ira W. Hulette	Hobart Rayburn
Chas. J. Bronston	Kerby Jennings	Ottis Roberts
Chas. W. Burnley	Paul S. Jonas	F. L. Robinson
A. H. Calvert	J. Ernest Jones	Amos Runyan
Earl W. Christian	L. H. Jones	Glenn Rushing
George I. Cline	Ercel Kozee	Dr. K. N. Salyer
Everett T. Cooper	Harry K. Lowman	D. B. Saylor
Horace T. Cull	W. E. McClure	Paul E. Shannon
Owen Deering	Ed Marcum	James S. Shaw
Henry J. Giles	F. G. Marquette	Harry Smith

Chas. L. Spillman	G. C. Thornton	John C. Watts
Geo. W. Steinfeld	W. R. Tipton	Rodney Whitlow
John M. Stumbo	Wilford S. Travis	G. F. Williamson
Albert Thomason	J. B. Veech	Charles W. Wirsch

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Mr. Spillman offered the following amendment to the title of said bill, viz.:

Amend the title of H. B. No. 458 by adding at the end thereof the following: "This Act shall be known as the Polsgrove-Hargadon Bill."

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 447. An Act relating to education in fields related to health, with particular reference to the education of, and the training of nurses and doctors of the Negro race.

With Committee amendment thereto.

Said bill is as follows, viz.:

Whereas, There is no accredited public, or private, agency in Kentucky where Negro women may obtain training in the profession of nursing, nor are facilities for postgraduate training available to Negro doctors, and

Whereas, there are adequate provisions for such training for members of other races within the existing facilities of accredited hospitals which accept Negro patients.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any hospital, or other institution, offering accredited courses of instruction in nursing, medicine, surgery, or other

related courses of graduate grade or on the professional level may, by a majority vote of its governing body, elect to receive as pupils in such courses of instruction, persons of all races, and in such cases the provisions of KRS 158.020 shall not apply to the teaching of or the attendance upon such courses of instruction.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of House Bill 447, on page 1, lines 1 through 7, by striking all of lines 1 through 7 and inserting in lieu thereof the following:

“The provisions of KRS 158.020 shall not be construed to prohibit the giving of instruction in nursing, medicine, surgery, or other related courses of graduate grade or on the professional level, within any hospital, if the governing body of the hospital, by a majority vote of its members, so elects.”

Said Committee amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading of said bill having been dispensed with, and the same having been engrossed, said bill was read at length for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Isaac M. Blevins	Everett T. Cooper
Jason Alford	Mrs. Mary Burnett	B. G. Davidson
Earl F. Ashcraft	Chas. W. Burnley	Owen Deering
Sidney Baer	A. H. Calvert	Henry J. Giles
Levi Baker	Paul Carter	Otto W. Goff
Bernhardt Bauer	Earl W. Christian	Henry C. Hale
C. E. Baumgardner	George I. Cline	N. M. Hamilton

James P. Hanratty	C. D. Moberly	D. B. Saylor
Carson Hibbitts	Archie R. Moore	LeRoy Saylor
E. R. Hilton	Fred H. Morgan	James S. Shaw
C. J. Holsclaw	E. C. Mullins	Jesse H. Shelton
D. W. Howard	Stanley Murphy	Harry Smith
M. G. Howard	J. H. Polsgrove	Chas. L. Spillman
Ira W. Hulette	E. F. Prichard	John M. Stumbo
Kerby Jennings	Hobart Rayburn	Albert Thomason
J. Ernest Jones	Ottis Roberts	Wilford S. Travis
L. H. Jones	F. L. Robinson	J. B. Veech
Ercel Kozee	Lilburn S. Rogers	John C. Watts
Harry K. Lowman	Amos Runyan	Rodney Whitlow
W. E. McClure	Glenn Rushing	G. F. Williamson
Ed Marcum	Dr. K. N. Salyer	Charles W. Wirsch
E. H. Martin		—64

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 472. An Act relating to the board of supervisors of cities of the third class; amending subsection (1) of Section 92.480 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 92.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of supervisors of each city of the third class shall convene in the council hall on any date during the year in which property is listed by owners for taxation pur-

poses, or on the first Monday in February in the next succeeding year, or at some later date not later than the first Monday in April. Upon convening, the board shall proceed to the discharged of its duties. The assessor shall meet with the board and act as its clerk. The board shall supervise all assessments, and see that all property is assessed at its fair cash value, taking into consideration the width, depth and location of all lots, and the cost and condition of improvements and personal property.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Henry C. Hale	Stanley Murphy
Jason Alford	N. M. Hamilton	Thomas A. Noe, Jr.
Roy W. Arnold	James P. Hanratty	Joe E. Nunn
Sidney Baer	Carson Hibbitts	J. H. Polsgrove
Levi Baker	E. R. Hilton	L. W. Preston
Bernhardt Bauer	C. J. Holsclaw	E. F. Prichard
C. E. Baumgardner	Richard R. Houpt	Hobart Rayburn
Fred Beshear	D. W. Howard	Ottis Roberts
Isaac M. Blevins	M. G. Howard	F. L. Robinson
Chas. J. Bronston	Ira W. Hulette	Lilburn S. Rogers
Mrs. Mary Burnett	Paul S. Jonas	Amos Runyan
Chas. W. Burnley	J. Ernest Jones	Glenn Rushing
Paul Carter	L. H. Jones	Dr. K. N. Salyer
Earl W. Christian	Ercel Kozee	D. B. Saylor
George I. Cline	W. E. McClure	LeRoy Saylor
Everett T. Cooper	Ed Marcum	Paul E. Shannon
Perry M. Cross	F. G. Marquette	Harry Smith
Owen Deering	E. H. Martin	Chas. L. Spillman
Kermit Dwyer	Archie R. Moore	Geo. W. Steinfeld
Henry J. Giles	Davis Moore	John M. Stumbo
Otto W. Goff	E. C. Mullins	Albert Thomason

G. C. Thornton	J. B. Veech	G. F. Williamson
W. R. Tipton	John C. Watts	Charles W. Wirsch
Wilford S. Travis	Rodney Whitlow	—71

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Speaker vacated the Chair and designated Mr. Rayburn as Speaker Pro Tem.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 473. An Act relating to the working at hard labor of persons sentenced to the county jail.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When any able-bodied male person has been sentenced to imprisonment in the county jail, he may be compelled by the jailer to work at hard labor under similar terms and conditions to those prescribed in KRS 441.120 to 441.200, regardless of whether the sentence or judgment expressly provides that the defendant shall work at hard labor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	F. L. Robinson
Roy W. Arnold	Dennis Henderson	Glenn Rushing
Earl F. Ashcraft	E. R. Hilton	Dr. K. N. Salyer
Sidney Baer	C. J. Holsclaw	D. B. Saylor
Levi Baker	D. W. Howard	LeRoy Saylor
Bernhardt Bauer	Ira W. Hulette	James S. Shaw
C. E. Baumgardner	Paul S. Jonas	Harry Smith
Fred Beshear	J. Ernest Jones	Chas. L. Spillman
Isaac M. Blevins	Ercel Kozee	Albert Thomason
Chas. J. Bronston	W. E. McClure	G. C. Thornton
Mrs. Mary Burnett	Ed Marcum	W. R. Tipton
George I. Cline	F. G. Marquette	J. B. Veech
Everett T. Cooper	Archie R. Moore	John C. Watts
Perry M. Cross	E. C. Mullins	G. F. Williamson
B. G. Davidson	Joe E. Nunn	Charles W. Wirsch
Henry C. Hale	J. H. Polsgrove	
N. M. Hamilton	Ottis Roberts	

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Those who voted in the negative were—

Otto W. Goff	E. H. Martin	James J. Shannon
Carson Hibbitts	Thomas A. Noe, Jr.	John M. Stumbo
M. G. Howard	Lilburn S. Rogers	

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Resolved that the title thereof be as aforesaid.

Mr. Arnold moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 463. An Act to amend Section 220.510 of the Kentucky Revised Statutes, being a part of Chapter 220 of said statutes, pertaining to sanitation districts, and providing ways by which the board of such sanitation districts may collect for services rendered from the users of sewer services or sewage disposal services.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 220.510 of the Kentucky Revised Statutes be, and the same is hereby amended by adding thereto, as a part thereof, words and figures as follows, to wit: "Or it may institute an action in any court having jurisdiction for the recovery of charges for services rendered, or the Board may, by a notice in writing, signed by its chairman or any member of said Board, notify the municipality, or the person, firm, or corporation, which furnishes water to the user's premises, to shut off the water service to said user's premises until such a time as all delinquent charges, plus a reasonable charge for turning off and on the water service, against said user, are paid in full. Upon receipt of such notice in writing, the municipality, or the person, firm, or corporation, which furnishes water to the said user's premises, shall immediately shut off and discontinue the water service to the said user's premises. Upon full payment of such account, plus a reasonable charge for turning off and on the water service, the chairman, or any member of said board, shall notify the said municipality, person, firm, or corporation, which furnishes water to said user that the account is paid in full, including such reasonable charge for turning off and on the water service, and that the said water service can again be provided to said user's premises. The Board of Directors shall promptly pay to such municipality, person, firm, or corporation, such fee or charge collected for turning off and on such water service."—so that Section 220.510, Kentucky Revised Statutes as amended shall read in words and figures as follows, to wit:

220.510 (2062g-29; 2-62g-53). Charges for Use of Works: Administration of Revenue.

"The board of directors shall, by resolution, determine the rates and compensation or rentals to be charged for the use of the sanitary works. The rates shall at all times be reasonable, taking into account the cost of the works, the cost of

operation and maintenance, and the amount necessary for the amortization of the bonds issued to finance the works. The same schedule of rates and charges shall apply to all users of the same class. The rates shall be binding upon all users of the system. The Board may alter and revise the rates in its discretion. In case of failure of any user to pay for services rendered, the board may compel payment and may enjoin further use until the payment is made, or it may institute an action in any court having jurisdiction for the recovery of charges for services rendered, or the board may, by a notice in writing, signed by its chairman or any member of said board, notify the municipality, or the person, firm, or corporation which furnishes water to the user's premises, to shut off the water service to said user's premises until such a time as all delinquent charges, plus a reasonable charge for turning off and on the water service, against said user, are paid in full. Upon receipt of such notice in writing, the municipality, or the person, firm, or corporation, which furnishes water to the said user's premises, shall immediately shut off and discontinue the water service to the said user's premises. Upon full payment of such account, plus a reasonable charge for turning off and on the water service, the chairman, or any member of said Board, shall notify the said municipality, person, firm, or corporation, which furnishes water to said user, that the account is paid in full, including such reasonable charge for turning off and on the water service, and that the said water service can again be provided to said user's premises. The Board of Directors shall promptly pay to such municipality, person, firm, or corporation, such fee or charge collected for turning off and on such water service. The Board may enter into contracts with public corporations or other large users of sewer services. The board may provide by resolution any provisions and stipulations it deems necessary for the administration of the revenue of the district, and for the security of the bondholders.

“If any part of this Section be declared unconstitutional and void, it shall not affect the constitutionality or validity of any of the other parts of this Section.”

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Richard R. Houpt	Ottis Roberts
Jason Alford	D. W. Howard	Amos Runyan
Roy W. Arnold	M. G. Howard	Dr. K. N. Salyer
Earl F. Ashcraft	Ira W. Hulette	D. B. Saylor
Sidney Baer	Kerby Jennings	LeRoy Saylor
Levi Baker	Paul S. Jonas	James J. Shannon
C. E. Baumgardner	J. Ernest Jones	Paul E. Shannon
Fred Beshear	L. H. Jones	James S. Shaw
Isaac M. Blevins	Ercel Kozee	Harry Smith
Mrs. Mary Burnett	W. E. McClure	Chas. L. Spillman
Paul Carter	F. G. Marquette	Geo. W. Steinfeld
George I. Cline	E. H. Martin	John M. Stumbo
Everett T. Cooper	Archie R. Moore	Albert Thomason
Horace T. Cull	Davis Moore	W. R. Tipton
Kermit Dwyer	E. C. Mullins	Wilford S. Travis
Henry J. Giles	Stanley Murphy	J. B. Veech
Otto W. Goff	Thomas A. Noe, Jr.	John C. Watts
Henry C. Hale	Joe E. Nunn	Lawrence Watts
N. M. Hamilton	H. C. Patterson	Morris Weintraub
James P. Hanratty	H. M. Pewitt	Rodney Whitlow
Carson Hibbitts	J. H. Polsgrove	G. F. Williamson
E. R. Hilton	L. W. Preston	Charles W. Wirsch
C. J. Holsclaw	E. F. Prichard	—68

Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 462. An Act to amend Section 220.360 of the Kentucky Revised Statutes, being part of Chapter 220 of said Statutes, pertaining to Sanitation Districts, by providing for a second and a third tax upon property within the district to be used for the purpose of paying for surveys, plans, engineering work and general expenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 220.360 of the Kentucky Revised Statutes is hereby amended by adding thereto, and making a part thereof, the following words: "May levy one, two, or three annual taxes (which taxes need not be in successive years)"—so that said Act as amended shall be in words and figures as follows, to wit:

220.360—KENTUCKY REVISED STATUTES (2062g-27)

TAX FOR PRELIMINARY EXPENSES.

"The Board of Directors, as soon as duly appointed and qualified, may levy one, two, or three annual taxes (which taxes need not be in successive years) of not more than five cents upon each one hundred dollars of assessed valuation of property within the district, to be used for the purpose of paying the expenses of organization, surveys, and plans, and for other incidental expenses that may be necessary up to the time money is received from the sale of bonds. This tax shall be certified to the auditors of the various counties and by them to the respective treasurers of their counties. The tax shall be based upon the last preceding assessment for state and county purposes, its collection shall conform to the collection of taxes for counties, and the same provisions concerning the nonpayment of taxes shall apply. The tax shall be added by the county clerk to the next state and county tax bill

following the levy of the tax by the board of directors, and shall be collected concurrently with the state and county taxes. Neither the county tax commissioner nor the county clerk shall be entitled to any additional compensation for services rendered in connection with the listing of the property for taxation nor shall the sheriff receive any additional compensation for the collection of the tax.

If any part of this Section be declared unconstitutional and void, it shall not affect the constitutionality or validity of any of the other parts of this Section.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	Joe E. Nunn
Jason Alford	E. R. Hilton	H. C. Patterson
Roy W. Arnold	C. J. Holsclaw	H. M. Pewitt
Earl F. Ashcraft	Richard R. Houpt	J. H. Polsgrove
Sidney Baer	D. W. Howard	L. W. Preston
Levi Baker	M. G. Howard	E. F. Prichard
C. E. Baumgardner	Ira W. Hulette	Ottis Roberts
Fred Beshear	Kerby Jennings	Amos Runyan
Isaac M. Blevins	Paul S. Jonas	Dr. K. N. Salyer
Mrs. Mary Burnett	J. Ernest Jones	D. B. Saylor
Paul Carter	L. H. Jones	LeRoy Saylor
George I. Cline	Ercel Kozee	James J. Shannon
Everett T. Cooper	W. E. McClure	Paul E. Shannon
Horace T. Cull	F. G. Marquette	James S. Shaw
Kermit Dwyer	E. H. Martin	Harry Smith
Henry J. Giles	Archie R. Moore	Chas. L. Spillman
Otto W. Goff	Davis Moore	Geo. W. Steinfeld
Henry C. Hale	E. C. Mullins	John M. Stumbo
N. M. Hamilton	Stanley Murphy	Albert Thomason
James P. Hanratty	Thomas A. Noe, Jr.	W. R. Tipton

Wilford S. Travis	Lawrence Watts	G. F. Williamson
J. B. Veech	Morris Weintraub	Charles W. Wirsch
John C. Watts	Rodney Whitlow	—68

Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 397. An Act to amend Section 164.360 of KRS which relates to Appointment and Removal of President, Faculty and Employees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 164.360 of KRS relating to Appointment and Removal of President, Faculty and Employees be amended and re-enacted so that said Section shall read as follows:

(1) "Each Board of Regents shall have full power and authority in the management and control of their respective institutions to appoint, employ and contract with a president, and on recommendation of the president to appoint, employ and contract with professors, associate professors, assistant professors, instructors and such other employees as may be necessary in the proper operation of their respective schools, and to fix their compensations, and their respective terms, provided, however, that after having served satisfactorily during a probationary period of employment not to exceed three years length. Any president, professor, associate professor may be removed by the Board of Regents only for im-

morality, inefficiency, incompetency including poor health, or failure to perform the duties assigned him and after a notice of said causes or failures has been furnished him in due written form ten days prior to the date set for the hearing. Charges against a president shall be preferred by the chairman of the Board upon written information furnished to him, and charges against a professor, associate professor, shall be preferred by the president.

(2) No person shall be employed who is related to any member of the Board of Regents as father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, sister-in-law, daughter-in-law, except that upon written recommendation of the president of the college, one such relative of each member of the Board of Regents may be appointed upon confirmation by the other three appointed members.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Otto W. Goff	W. E. McClure
Roy W. Arnold	Henry C. Hale	F. G. Marquette
Earl F. Ashcraft	N. M. Hamilton	E. H. Martin
Sidney Baer	James P. Hanratty	C. D. Moberly
Levi Baker	E. R. Hilton	Archie R. Moore
C. E. Baumgardner	C. J. Holsclaw	E. C. Mullins
Fred Beshear	Richard R. Houpt	Stanley Murphy
A. H. Calvert	D. W. Howard	Thomas A. Noe, Jr.
Paul Carter	M. G. Howard	Joe E. Nunn
George I. Cline	Ira W. Hulette	J. H. Polsgrove
Everett T. Cooper	J. Ernest Jones	L. W. Preston
Horace T. Cull	L. H. Jones	Hobart Rayburn
G. I. Drury	Ercel Kozee	Ottis Roberts
Kermit Dwyer	Harry K. Lowman	F. L. Robinson

Amos Runyan	James S. Shaw	Albert Thomason
Glenn Rushing	Harry Smith	W. R. Tipton
Dr. K. N. Salyer	Chas. L. Spillman	Wilford S. Travis
LeRoy Saylor	Geo. W. Steinfeld	John C. Watts
James J. Shannon	John M. Stumbo	Charles W. Wirsch
Paul E. Shannon		—58

There voted in the negative—

D. B. Saylor —1

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 328. An Act relating to free textbooks, including provision for furnishing free textbooks to children attending teacher training schools of the State Teachers Colleges and the University of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. KRS 157.100 is hereby amended to read as follows:

The Superintendent of Public Instruction, subject to the approval of the State Board of Education, shall purchase textbooks from the publishers whose books have been adopted by the State Textbook Commission and distribute them without cost to pupils attending grades one to eight, of the free public schools of the state, and the teacher training schools of the State Teachers' College and the University of Kentucky, in the manner and upon the conditions set out in KRS 157.110 to 157.180.

§ 2. The State Teachers' Colleges and the University of Kentucky shall select books for use in the training school from the lists adopted by the State Textbook Commission in the same manner as independent school districts embracing cities of the first four classes and as provided in KRS 156.310.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Bernam Adams	D. W. Howard	F. L. Robinson
Jason Alford	M. G. Howard	Lilburn S. Rogers
Roy W. Arnold	Ira W. Hulette	Amos Runyan
Earl F. Ashcraft	Kerby Jennings	Glenn Rushing
Sidney Baer	Paul S. Jonas	Dr. K. N. Salyer
Levi Baker	L. H. Jones	D. B. Saylor
C. E. Baumgardner	Ercel Kozee	James J. Shannon
Fred Beshear	W. E. McClure	Paul E. Shannon
Isaac M. Blevins	Ed Marcum	James S. Shaw
Chas. J. Bronston	E. H. Martin	Harry Smith
Mrs. Mary Burnett	C. D. Moberly	Chas. L. Spillman
A. H. Calvert	Archie R. Moore	Geo. W. Steinfeld
Earl W. Christian	Davis Moore	John M. Stumbo
Everett T. Cooper	Fred H. Morgan	Albert Thomason
Horace T. Cull	E. C. Mullins	G. C. Thornton
Owen Deering	Thomas A. Noe, Jr.	W. R. Tipton
G. I. Drury	Joe E. Nunn	Wilford S. Travis
Kermit Dwyer	H. C. Patterson	J. B. Veech
Otto W. Goff	H. M. Pewitt	John C. Watts
Henry C. Hale	J. H. Polsgrove	Rodney Whitlow
N. M. Hamilton	L. W. Preston	G. F. Williamson
Carson Hibbitts	E. F. Prichard	Charles W. Wirsch
C. J. Holsclaw	Hobart Rayburn	
Richard R. Houpt	Ottis Roberts	

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Resolved that the title thereof be as aforesaid.

Mr. Jennings moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 378. An Act relating to motor carriers, providing for the exemption from the weight tax imposed by KRS 281.480, of motor vehicles used exclusively for the transportation of coal for hire.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The weight tax imposed by KRS 281.480 shall not apply to motor vehicles used exclusively for the transportation of coal for hire.

Mr. Hale offered the following amendment to said bill, viz.:

Amend House Bill No. 378 by striking the period at the end of line 2 and inserting at that point the following:

“from the mine to a ramp where the coal is to be loaded on railroad cars.”

Said amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, and the same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	E. F. Prichard
Jason Alford	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Glenn Rushing
Sidney Baer	Richard R. Houpt	D. B. Saylor
Levi Baker	M. G. Howard	LeRoy Saylor
C. E. Baumgardner	Ira W. Hulette	Paul E. Shannon
Fred Beshear	Paul S. Jonas	James S. Shaw
Chas. J. Bronston	J. Ernest Jones	Harry Smith
A. H. Calvert	L. H. Jones	Chas. L. Spillman
George I. Cline	Harry K. Lowman	Geo. W. Steinfeld
Horace T. Cull	Ed Marcum	John M. Stumbo
Owen Deering	E. H. Martin	Wilford Stone
G. I. Drury	C. D. Moberly	John C. Watts
Henry C. Hale	Davis Moore	Rodney Whitlow
N. M. Hamilton	Fred H. Morgan	—44

Those who voted in the negative were—

Bernhardt Bauer	Stanley Murphy	L. W. Preston
E. R. Hilton	Thomas A. Noe, Jr.	Ottis Roberts
Ercel Kozee	Joe E. Nunn	Lilburn S. Rogers
W. E. McClure	H. C. Patterson	Amos Runyan
Archie R. Moore	H. M. Pewitt	Dr. K. N. Salyer
E. C. Mullins	J. H. Polsgrove	Charles W. Wirsch
		—18

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 467. An Act to regulate taxicabs in cities of the third, fourth, fifth and sixth classes and in unincorporated

towns in counties not containing a city of the first or second class.

Said bill is as follows, viz.:

Whereas, the cities of the first and second classes have ordinances regulating the operation of taxicabs, and

Whereas, the cities of the third, fourth, fifth and sixth classes, and unincorporated towns in counties not containing a city of the first or second class, do not have adequate regulating ordinances,

Therefore, for the purpose of regulating taxicabs in such areas:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That—

Before any person shall operate any taxicabs for the transportation of persons for hire over any public highway in this state, in cities of the third, fourth, fifth and sixth classes, and unincorporated areas in counties not containing a city of the first or second class, or on any highway within this state other than highways located in counties containing cities of the first or second class, he shall first obtain a certificate of public convenience and necessity from the Division of Motor Transportation of this state. Before the Division shall issue a certificate the person seeking it shall file with the Division an application, in such form as the Division requires, setting forth, among other matters, the name and residence of the applicant, the name of the chief officer if the applicant is a corporation, and the names of the members, if the applicant is a partnership, the number and description of the vehicles to be used, the place where the applicant proposes to operate, and a list of all drivers employed or to be employed. If any changes are made in the drivers or any additional drivers are employed, the operator shall furnish a list thereof to the Division. Certificates shall be renewed at such times, in such manner and upon such conditions as the Division prescribes.

Each taxicab shall have the name of the owner printed or painted on each side of the vehicle.

The Division shall hold a public hearing on the application and shall within a reasonable time fix the time and place for a hearing. At least ten days before the hearing the Division shall mail written notice of the hearing, and of the right to file a protest in accordance with the requirements of the Division, to the applicant, to each common carrier, including steam and electric railway companies, and to other taxicab operators serving any part of the territory to be served by the applicant.

At the time fixed in the notice or at such time thereafter as the Division determines, the Division shall hold a public hearing on the application, except as provided in Subsection (2) of KRS 281.090. Any person having an interest in the subject matter may, in accordance with the rules prescribed therefor by the Division, file a protest to the granting in whole or in part, of the application, make representations, and introduce evidence in support of the protest.

In granting or refusing to grant a certificate, the Division shall take into consideration the effect that the proposed operation may have upon public transportation business and facilities of every character within the territory sought to be served by the applicant, whether existing transportation service is adequate, the public need for the service the applicant proposes to render, the ability of the applicant efficiently to perform the service, and the probable effect upon the highways and upon the safety of the public using the highways. No certificate shall be granted unless the applicant establishes by competent evidence that such authority is required by public convenience and necessity.

If it appears that the applicant was engaged in operating taxicabs on January 1, 1948, as the word "taxicab" is defined by Section 281.010 KRS, and has been continuously so engaged since that date, the Director of the Division of Motor Transportation shall issue to said applicant a certificate of public convenience and necessity authorizing said applicant to engage in operating only the number of taxicabs which the

applicant had duly licensed by the Director of the Division of Motor Transportation of the Commonwealth of Kentucky on the first day of January, 1948, provided that the applicant files application for a certificate for the operation of said taxicabs within thirty (30) days from the effective date of this act. The Director shall not issue a certificate to any person, firm or corporation to operate any number of taxicabs greater than the number of taxicabs that the applicant was operating on January 1, 1948, without a public hearing on the application, as hereinabove provided, and the establishment by competent evidence that such authority for additional taxicabs is required by public convenience and necessity.

The provisions of Sections 281.050, 281.090, 281.100, 281.120, 281.130, 281.290, 281.300, 281.400, 281.410, 281.420, 281.430, 281.440, 281.460 and 281.990 shall apply to taxicabs operating under certificates of public convenience and necessity as provided in this act.

No provision of this act shall apply to, or affect in any way, any person or taxicab licensed by any city of the first or second class, nor prevent any taxicab licensed in any city of the first or second class from operating over any highway in this state.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	W. E. McClure	Glenn Rushing
Mrs. Mary Burnett	Fred H. Morgan	James S. Shaw
Chas. W. Burnley	Thomas A. Noe, Jr.	Chas. L. Spillman
G. I. Drury	J. H. Polsgrove	John C. Watts
Ira W. Hullett	E. F. Prichard	Rodney Whitlow
Paul S. Jonas	Hobart Rayburn	G. F. Williamson
J. Ernest Jones	Lilburn S. Rogers	

Those who voted in the negative were—

Jason Alford	Carson Hibbitts	L. W. Preston
Earl F. Ashcraft	E. R. Hilton	Ottis Roberts
Fred Beshear	M. G. Howard	Amos Runyan
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
George I. Cline	L. H. Jones	D. B. Saylor
Everett T. Cooper	Ercel Kozee	James J. Shannon
Horace T. Cull	C. D. Moberly	Harry Smith
Owen Deering	Davis Moore	John M. Stumbo
Kermit Dwyer	E. C. Mullins	Albert Thomason
Henry J. Giles	Stanley Murphy	G. C. Thornton
Henry C. Hale	Joe E. Nunn	W. R. Tipton
N. M. Hamilton	H. C. Patterson	Lynn Boyd Wells
J. P. Hanratty	H. M. Pewitt	Charles W. Wirsch

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And so said bill was rejected.

Mr. John C. Watts moved that the vote by which said bill was rejected be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 62. An Act concerning license taxes and disposition of license fees in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.200 of the Kentucky Revised Statutes is repealed and re-enacted and as so re-enacted shall read:

(1) The board of aldermen of each city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provide for licensing any busi-

ness, trade, occupation or profession, and the using, holding or exhibiting of any animal, article or other thing, and fix in each case the license fee, except that no company that pays an ad valorem tax and a franchise tax shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company, or combined trust, banking and title insurance company organized and doing business in this State, or in other case where the city is prohibited by statute from imposing a license tax.

(2) License fees shall be collected by the city. All revenues from such taxes shall be paid to the secretary and treasurer of the sinking fund until income from all sources of the sinking fund shall be sufficient to pay the costs of administration and the interest charges for the current fiscal year, in addition to a sum sufficient to amortize the outstanding principal indebtedness on a yearly basis in accordance with regularly used amortization tables. Revenues remaining, after meeting the requirements of this section, shall be paid into the general fund; provided, however, payments into the general fund shall be limited to three million dollars in any one fiscal year. Ad valorem taxes for the benefit of the sinking fund shall not be levied unless the income of the sinking fund is otherwise insufficient to meet such requirements.

(3) Licenses shall be issued and enforced on such terms and conditions as may be prescribed by ordinance.

Section 2. Sections 91.210, 91.220, 91.230, 91.240, and 91.250 of the Kentucky Revised Statutes are repealed.

Mr. Holsclaw offered the following amendment to said bill, viz.:

Amend printed copy of S. B. No. 62, on page 2, Section 1, line 14, by striking out "License Fees shall be collected by the City." and insert in lieu thereof "License Fees shall be collected by the Commissioner of the Sinking Fund."

Said amendment to said bill was agreed to.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	Ottis Roberts
Jason Alford	E. R. Hilton	F. L. Robinson
Sidney Baer	C. J. Holsclaw	Lilburn S. Rogers
Levi Baker	Richard R. Houpt	Amos Runyan
C. E. Baumgardner	Ira W. Hulette	Glenn Rushing
Fred Beshear	J. Ernest Jones	Dr. K. N. Salyer
Isaac M. Blevins	L. H. Jones	D. B. Saylor
Chas. J. Bronston	Ercel Kozee	James J. Shannon
Mrs. Mary Burnett	W. E. McClure	Paul E. Shannon
Chas. W. Burnley	Ed Marcum	Harry Smith
A. H. Calvert	E. H. Martin	Chas. L. Spillman
Paul Carter	C. D. Moberly	John M. Stumbo
Earl W. Christian	Archie R. Moore	Albert Thomason
George I. Cline	Davis Moore	G. C. Thornton
Everett T. Cooper	Fred H. Morgan	W. R. Tipton
Horace T. Cull	E. C. Mullins	Wilford S. Travis
Owen Deering	Thomas A. Noe, Jr.	J. B. Veech
Kermit Dwyer	Joe E. Nunn	John C. Watts
Henry J. Giles	H. M. Pewitt	Morris Weintraub
Henry C. Hale	J. H. Polsgrove	Lynn Boyd Wells
N. M. Hamilton	E. F. Prichard	G. F. Williamson
James P. Hanratty	Hobart Rayburn	

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Resolved that the title thereof be as aforesaid.

Br. Baer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 182. An Act repealing, amending and re-enacting Section 28.300 of the Kentucky Revised Statutes relating to the number and compensation of deputies of Circuit Court Clerks and County Court Clerks in counties containing a population of 75,000 or more.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.300 of the Kentucky Revised Statutes is repealed, amended and re-enacted to read as follows:

(1) In each county containing a population of 75,000 or more, the number of deputies allowed to Circuit Court Clerks and County Court Clerks, and the compensation allowed to such deputies, shall be fixed, as provided in subsections (2), (3), (4) and (5) of this section, by an order entered upon the Order Book of the Circuit Court and County Court, and signed by a majority of the Judges of said Courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Department of Finance.

(2) (a) In counties containing a population of 75,000 or more and up to 90,000, the salary of the chief deputy Circuit Court Clerk shall be fixed at a reasonable amount not exceeding \$2,500 per annum, and the salaries of the other deputy Circuit Clerks shall be fixed at a reasonable amount not exceeding \$2,000 per annum.

(b) In counties containing a population of 90,000 or more and up to 200,000, the salary of the chief deputy Circuit Court Clerk shall be fixed at a reasonable amount not exceeding \$3,000 per annum, and the salaries of the first two deputy Circuit Court Clerks shall be fixed at reasonable amounts not to exceed at \$2,500 per annum. The salaries of the other deputy Circuit Court Clerks shall be fixed at reasonable amounts not to exceed \$2,000 per annum.

(c) In counties having a population of 200,000 or over, the salary of the chief deputy Circuit Court Clerk shall be fixed at a reasonable amount not exceeding \$4,000 per annum,

and the salary of one deputy Circuit Court Clerk, who shall act as cashier, shall be fixed at a reasonable amount not to exceed \$3,500 per annum, and the salary of each of the other deputy Circuit Court Clerks shall be fixed at a reasonable amount not exceeding \$3,000 per annum.

(3) In counties containing a population of 75,000 or more and up to 90,000, the salaries of the first four deputy County Clerks shall be fixed at reasonable amounts, which need not be the same, and none of which shall exceed \$2,500 per annum. The salaries of each of the other deputy County Clerks in such counties shall be fixed at a reasonable amount not exceeding \$2,000 per annum.

(4) In counties containing a population of 90,000 or more and up to 200,000, the salary of the chief deputy County Court Clerk shall be fixed at a reasonable amount not exceeding \$3,600 per annum and the salaries of the next four deputy County Court Clerks shall be fixed at reasonable amounts, which need not be the same, and none which shall exceed \$3,000 per annum. The salaries of each of the other deputy County Court Clerks in such counties shall be fixed at a reasonable amount not exceeding \$2,400 per annum.

(5) In counties having a population of 200,000 or over, the salary of the Chief Deputy County Court Clerk shall be fixed at a reasonable amount not exceeding \$4,000 per annum, and the salaries of the next three (3) deputy County Court Clerks shall be fixed at reasonable amounts, which need not be the same, and none of which shall exceed \$3,500 per annum. The salaries of each of the other deputy County Court Clerks in such counties, shall be fixed at a reasonable amount not to exceed \$2,400 per annum.

(6) Whereas, severe hardships are being caused as a result of inflated prices, making it difficult to hire and keep competent deputy clerks, an emergency is declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Ira W. Hulette	Lilburn S. Rogers
Jason Alford	Kerby Jennings	Amos Runyan
Sidney Baer	Paul S. Jonas	Glenn Rushing
Levi Baker	J. Ernest Jones	Dr. K. N. Salyer
C. E. Baumgardner	Erceel Kozee	D. B. Saylor
Fred Beshear	W. E. McClure	James J. Shannon
Isaac M. Blevins	Ed Marcum	Paul E. Shannon
Mrs. Mary Burnett	C. D. Moberly	James S. Shaw
Chas. W. Burnley	Fred H. Morgan	Harry Smith
Earl W. Christian	E. C. Mullins	Chas. L. Spillman
George I. Cline	Stanley Murphy	Geo. W. Steinfeld
Owen Deering	Thomas A. Noe, Jr.	John M. Stumbo
Henry J. Giles	Joe E. Nunn	Albert Thomason
N. M. Hamilton	H. M. Pewitt	G. C. Thornton
James P. Hanratty	J. H. Polsgrove	Wilford S. Travis
Carson Hibbitts	L. W. Preston	J. B. Veech
E. R. Hilton	Hobart Rayburn	John C. Watts
C. J. Holsclaw	Ottis Roberts	Morris Weintraub
Richard R. Houpt	F. L. Robinson	Lynn Boyd Wells

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 71. An Act concerning sinking funds in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.140 of the Kentucky Revised Statutes is amended and as so amended shall read:

91.140 Officers and employes of sinking fund.

(1) The commissioners of the sinking fund shall annually elect one of their number president.

(2) The commissioners of the sinking fund shall, by a majority vote, elect a treasurer and secretary, who shall give bond with good and sufficient surety, to be approved by the commissioners, and shall take oath in the manner required of the commissioners by subsection (4) of KRS 91.130. He shall hold office for four years and until his successor is qualified. Vacancies shall be filled by appointment of the commissioners. The treasurer and secretary shall keep an accurate record of all proceedings of the board of commissioners receive and disburse all moneys by order of the commissioners and keep an accurate account thereof, and perform all other acts required of him by the commissioners. He shall account for all money and other things of value belonging to the sinking fund that come into his hands or control.

(3) The commissioners shall elect all officers and appoint all employes of the sinking fund, prescribe their duties and fix their compensation. They may provide in bylaws for deductions to be made from the compensation of officers and employes for neglect of duty or violation of the bylaws. All officers and employes, except the treasurer and secretary and the president, shall hold office at the pleasure of the commissioners, and prescribed in the bylaws.

Section 2. Section 91.150 of the Kentucky Revised Statutes is amended, and as so amended, shall read:

91.150 Sinking fund, control and use of.

(1) The sinking fund shall be under the control and management of the commissioners of the sinking fund, and shall be held and sacredly used for the payment of the prin-

cipal and interest of the bonded debt of the city. The board of aldermen may not pass ordinances to diminish the assets of the sinking fund until all of the debts of the city chargeable to the sinking fund are paid, but may pass ordinances to increase the assets of the fund.

(2) The board of aldermen shall yearly determine and appropriate to the sinking fund an amount sufficient to meet the requirements of the sinking fund for the coming year based upon the estimate presented to the board by the commissioners of the sinking fund. The amount necessary to the sinking fund shall be met in full during the year for which it is appropriated.

(3) The entire income of the fund shall each year be set apart and applied to the payment of the interest and principal of all debts charged or chargeable to the fund, and to the cost of administration of the fund, and to no other use or purpose until the whole of the debts of the city are fully paid and satisfied, including the present and any future indebtedness of the city.

(4) All bonds that constitute obligations of a city of the first class shall be made a charge upon the sinking fund of the city, except that no bonds shall be made a charge upon the sinking fund unless sufficient provision has been made, at the time of issuing the bonds or at the time of the charge, for the payment of interest and principal of the bonds. Bonds of the city made a charge upon the sinking fund shall be placed with and sold by the commissioners of the sinking fund, except as otherwise provided by law.

(5) If any money or property of the sinking fund is injured, withheld or abstracted, the commissioners may sue for and recover the same or any part thereof, in their corporate name.

(6) Any stock owned by the city in the Louisville Water Company shall be a part of the resources of the sinking fund of the city.

Section 3. Section 91.190 of the Kentucky Revised Statutes is repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	Ottis Roberts
Jason Alford	E. R. Hilton	F. L. Robinson
Sidney Baer	C. J. Holsclaw	Lilburn S. Rogers
Levi Baker	Richard R. Houpt	Amos Runyan
C. E. Baumgardner	Ira W. Hulette	Glenn Rushing
Fred Beshear	J. Ernest Jones	Dr. K. N. Salyer
Isaac M. Blevins	L. H. Jones	D. B. Saylor
Chas. J. Bronston	Ercel Kozee	James J. Shannon
Mrs. Mary Burnett	W. E. McClure	Paul E. Shannon
Chas. W. Burnley	Ed Marcum	Harry Smith
A. H. Calvert	E. H. Martin	Chas. L. Spillman
Paul Carter	C. D. Moberly	John M. Stumbo
Earl W. Christian	Archie R. Moore	Albert Thomason
George I. Cline	Davis Moore	G. C. Thornton
Everett T. Cooper	Fred H. Morgan	W. R. Tipton
Horace T. Cull	E. C. Mullins	Wilford S. Travis
Owen Deering	Thomas A. Noe, Jr.	J. B. Veech
Kermit Dwyer	Joe E. Nunn	John C. Watts
Henry J. Giles	H. M. Pewitt	Morris Weintraub
Henry C. Hale	J. H. Polsgrove	Lynn Boyd Wells
N. M. Hamilton	E. F. Prichard	G. F. Williamson
James P. Hanratty	Hobart Rayburn	

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Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 244. An Act relating to the appointment, duties and compensation of deputy coroners and stenographers for coroners; amending sections 72.130 and 72.140 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 72.130 of the Kentucky Revised Statutes is amended to read as follows:

In counties having a population of 200,000 or more the coroner shall appoint a chief deputy coroner and one other deputy coroner whose duties shall be to keep the books of the office, summon jurors and witnesses for the inquests, and perform any other duties assigned to him by the coroner. The deputy coroners shall have the same power of serving process for the coroner as a deputy sheriff. The deputy coroners shall be appointed for a term of four years and are subject to removal by the coroner at any time. The chief deputy shall receive a salary of \$3,600.00 per annum and the other deputy shall receive a salary of \$2,400.00 per annum payable out of the county treasury in equal monthly installments.

§ 2. Section 72.140 of the Kentucky Revised Statutes is amended to read as follows:

In counties having a population of 200,000 or more the coroner shall appoint a stenographer to perform any stenographic or clerical work required by the coroner in connection in connection with his office. The stenographer shall receive an annual salary of not more than \$1,800.00 payable out of the county treasury in equal monthly installments. The stenographer is removable at the will of the coroner.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	Ottis Roberts
Jason Alford	E. R. Hilton	F. L. Robinson
Sidney Baer	C. J. Holsclaw	Lilburn S. Rogers
Levi Baker	Richard R. Houpt	Amos Runyan
C. E. Baumgardner	Ira W. Hulette	Glenn Rushing
Fred Beshear	J. Ernest Jones	Dr. K. N. Salyer
Isaac M. Blevins	L. H. Jones	D. B. Saylor
Chas. J. Bronston	Ercel Kozee	James J. Shannon
Mrs. Mary Burnett	W. E. McClure	Paul E. Shannon
Chas. W. Burnley	Ed Marcum	Harry Smith
A. H. Calvert	E. H. Martin	John M. Stumbo
Paul Carter	C. D. Moberly	Albert Thomason
Earl W. Christian	Archie R. Moore	G. C. Tornton
George I. Cline	Davis Moore	W. R. Tipton
Everett T. Cooper	Fred H. Morgan	Wilford S. Travis
Horace T. Cull	E. C. Mullins	J. B. Veech
Owen Deering	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Morris Weintraub
Henry J. Giles	H. M. Pewitt	Lynn Boyd Wells
Henry C. Hale	J. H. Polsgrove	G. F. Williamson
N. M. Hamilton	E. F. Prichard	
James P. Hanratty	Hobart Rayburn	

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Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the house took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 256. An Act relating to prosecuting attorney of the police court in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sections 69.430 and 69.440 of the Kentucky Revised Statutes are hereby repealed and re-enacted and as so re-enacted shall read:

The prosecuting attorney of the police court in cities of the first class shall be elected by the qualified voters of the city at the same time and places at which the Mayor is elected, beginning in the year 1949 at the general elections of said year, and shall hold office for the term of four years.

In all matters coming before the police court the prosecuting attorney shall represent the Commonwealth or the city, as the case may require, but the Commonwealth's attorney or the county attorney may be present and assist in the trial of offenses against the Commonwealth. The prosecuting attorney shall have the qualifications, take the oath and come under the obligations prescribed for Commonwealth's attorneys.

When said prosecuting attorney fails to attend or to prosecute the parties brought before him, the judge shall, from the members of the bar, appoint one to serve as pro tem prosecuting attorney, and the person so appointed shall take the oath of office prescribed for the regular prosecuting attorney and for his services the pro tem prosecuting attorney shall receive such part of the salary of the regular prosecuting attorney as the judge, on motion, after due notice to the prosecuting attorney may summarily decide to be fair and reasonable; but the compensation allowed the pro tem prosecuting attorney shall not be estimated at a greater rate than that allowed the regular prosecuting attorney. The amount so paid the pro tem prosecuting attorney shall be deducted from the salary of the regular prosecuting attorney: Provided that during the months July and August of each year the prosecuting attorney may have vacation and during said vacation the compensation of the pro tem prosecuting attorney shall not be deducted from the salary of the regular prosecuting attorney.

A salary of Five Thousand (\$5,000.00) Dollars per annum shall be paid the prosecuting attorney and he shall be paid

at the same time and in the same manner as the salaries of other city officers are paid.

The prosecuting attorney shall appoint an assistant prosecuting attorney who shall have all of the qualifications of the prosecuting attorney and shall take the oath of office the same as the prosecuting attorney and said assistant prosecuting attorney may be removed at the pleasure of the prosecuting attorney.

A salary of Thirty-five Hundred (\$3500.00) Dollars per annum shall be paid the assistant prosecuting attorney, and he shall be paid at the same time and in the same manner as the salaries of other city officers are paid.

The assistant prosecuting attorney may have a vacation of one calendar month of each year and no deduction shall be made from his salary for said vacation.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Horace T. Cull	W. E. McClure
Jason Alford	Owen Deering	Ed Marcum
Sidney Baer	Kermit Dwyer	E. H. Martin
Levi Baker	Henry J. Giles	C. D. Moberly
C. E. Baumgardner	Henry C. Hale	Archie R. Moore
Fred Beshear	N. M. Hamilton	Davis Moore
Isaac M. Blevins	James P. Hanratty	Fred H. Morgan
Chas. J. Bronston	Carson Hibbitts	E. C. Mullins
Mrs. Mary Burnett	E. R. Hilton	Thomas A. Noe, Jr.
Chas. W. Burnley	C. J. Holsclaw	Joe E. Nunn
A. H. Calvert	Richard R. Houpt	H. M. Pewitt
Paul Carter	Ira W. Hulette	J. H. Polsgrove
Earl W. Christian	J. Ernest Jones	E. F. Prichard
George I. Cline	L. H. Jones	Hobart Rayburn
Everett T. Cooper	Ercel Kozee	Ottis Roberts

F. L. Robinson	Paul E. Shannon	Wilofrd S. Travis
Lilburn S. Rogers	Harry Smith	J. B. Veech
Amos Runyan	Chas. J. Spillman	John C. Watts
Glenn Rushing	John M. Stumbo	Morris Weintraub
Dr. K. N. Salyer	Albert Thomason	Lynn Boyd Wells
D. B. Saylor	G. C. Thornton	G. F. Williamson
James J. Shannon	W. R. Tipton	—65

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed, be reconsidered and that said motion lie non the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 133. An Act amending subsection (1) and subsection 6 of Section 403.090 of the Kentucky Revised Statutes, making provisions for the representation and protection of the rights and interests of minor children in divorce proceedings and for the proper enforcement of orders and decrees concerning the care, custody and maintenance of such children; and for the proper application of sums ordered to be paid for the care and maintenance of such children; providing for the appointment of a permanent "friend" or "friends of the court" in counties containing a city of the first or second class and providing for the removal, powers, duties and compensation of such "friends of the court".

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That subsections (1) and (6) of Section 403.090 of the Kentucky Revised Statutes be amended to read as follows:

(1) In any county containing a city of the first or second class, the fiscal court may, by resolution, authorize the appointment of a "friend of the court". If the circuit court of the county has but one judge, the appointment shall be made by the judge. If the court has two or more judges, the

appointment shall be made by joint action of the judges, at the general term. The appointment shall be for a term of two years, subject to removal at the pleasure of the appointing authority. Vacancies shall be filled by appointment of the appointing authority for the unexpired term. The person appointed shall be a licensed practicing attorney. He shall take the Constitutional oath of office and shall give bond in such sum as may be fixed by the appointing judge or judges.

(6) The fiscal court of any county which has authorized the appointment of a friend of the court under this section shall, by resolution, fix a reasonable compensation for the friend of the court, and make a reasonable allowance for his necessary supplies, equipment and expenses, payable out of the general fund of the county, upon approval of the judge or judges appointing him. The compensation of the friend of the court in counties containing a city of the second class shall not exceed \$2400.00 per annum, and the allowance for expenses shall not exceed \$900.00 per annum; and in counties containing a city of the first class the compensation shall not exceed \$3600.00 per annum and the allowance for expenses shall not exceed \$1200.00 per annum.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. J. Bronston	Henry J. Giles
Jason Alford	Mrs. Mary Burnett	N. M. Hamilton
Roy W. Arnold	Chas. W. Burnley	James P. Hanratty
Sidney Baer	A. H. Calvert	Carson Hibbitts
Levi Baker	George I. Cline	C. J. Holsclaw
C. E. Baumgardner	Everett T. Cooper	M. G. Howard
Fred Beshear	Owen Deering	Ira W. Hulette
Isaac M. Blevins	Kermit Dwyer	Paul S. Jonas

J. Ernest Jones	L. W. Preston	James S. Shaw
Ercel Kozee	Hobart Rayburn	Harry Smith
W. E. McClure	Ottis Roberts	Geo. W. Steinfeld
Ed Marcum	F. L. Robinson	John M. Stumbo
E. H. Martin	Lilburn S. Rogers	Albert Thomason
Fred H. Morgan	Amos Runyan	G. C. Thornton
E. C. Mullins	Glenn Rushing	W. R. Tipton
Thomas A. Noe, Jr.	D. B. Saylor	Wilford S. Travis
Joe E. Nunn	LeRoy Saylor	John C. Watts
H. M. Pewitt	James J. Shannon	Morris Weintraub
J. H. Polsgrove	Paul E. Shannon	Lynn Boyd Wells

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Resolved that the title thereof be as aforesaid.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 34. An Act relating to nonprofit, nonstock corporations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) Except as provided in subsection (2) of this section, any three or more natural persons of the age of twenty-one years or more may, under the provisions of this Act, form a mutual ownership or mutual endeavor corporation having no capital stock, for any lawful purpose, such as civic, athletic, recreational, or social, not involving private pecuniary gain or profit.

(2) This Act does not apply to corporations of a special character for which other statutes provide a special method of incorporation, nor does it apply to cooperative corporations or associations.

(3) Nonstock, nonprofit corporations for religious, educational or cheritable purposes may be incorporated either under this Act or under KRS 273.020 to 273.050.

(4) Except as specifically provided in this Act, corporations organized under this Act are not subject to any of the statutes relating to corporations having capital stock or organized for pecuniary profit, but they shall not, merely by virtue of organization under this Act, be entitled to any of tax exemptions granted by the Constitution or statutes to corporations organized solely for religious, charitable or educational purposes.

§ 2. (1) Articles of incorporation shall be signed in triplicate originals by each of the incorporators, and shall state in the English language:

(a) The name of the corporation.

(b) Its purpose.

(c) Its duration, which may be perpetual.

(d) The place in this state where the principal office of the corporation is to be located, and the name and address, including street and number, if any, of its resident agent for service of process.

(e) The names and post office addresses of its trustees, directors or other governing authorities, not less than three, who are to serve until the first annual meeting or other meeting called to elect a board of trustees, directors or other governing board.

(f) If desired, the names of any persons who, together with the subscribers to the articles, are to be members of the corporation upon organization.

(g) If desired, any qualifications for membership in the corporation.

(2) The articles of incorporation may contain any other lawful provision which may be desired for the purpose of defining, limiting or regulating the exercise of the powers of the corporation and of its governing board or trustees or directors, and of the members, or any class of members, and for the purpose of creating or defining rights and privileges of the members among themselves.

§ 3. The provisions of KRS 271.045 as to corporate names shall apply to corporations organized under this Act.

§ 4. The articles of incorporation shall be filed and recorded, and a certificate of incorporation shall be issued, in the same manner and upon payment of the same fees, and with the same effect, as provided in KRS 271.055 for business corporations.

§ 5. Upon the issuance of the certificate of incorporation, the corporate existence shall begin, and the incorporators and the other members, if any, designated in the articles, and such other persons as shall thereafter be admitted to membership in accordance with the articles or bylaws, shall be and constitute a body corporate. The provisions of KRS 271.105 and 271.115, as to the validity and effect of certificates of incorporation, and the effect of filing or recording various papers, shall apply to corporations organized under this chapter.

§ 6. Each corporation formed under the provisions of this Act shall have power:

- (1) To have a corporate seal and alter it as pleasure.
- (2) To continue as a corporation for the time limited in its articles of incorporation, or if no such time limit is specified, then perpetually.
- (3) To sue and be sued in its corporate name.
- (4) To contract and be contracted with.
- (5) To acquire, hold, sell, dispose of, pledge or mortgage any such property as its purposes may require, subject to any limitation prescribed by law or by the articles of incorporation.
- (6) To make bylaws not inconsistent with law.
- (7) To promote the purposes for which it was formed in this state and elsewhere as may be permitted by law.
- (8) To accept gifts and to carry out any terms, requests or conditions prescribed or made by the donor thereof.
- (9) To become a member of any other non-stock, non-profit corporation organized under the laws of this state; or become affiliated with another organization of like character existing under the laws of this or another state.

§ 7. The provisions of KRS 271.145 shall apply to corporations organized under this chapter.

§ 8. Bylaws may be adopted or amended by a majority of the members of the corporation, or, if so provided in the articles, by the governing board, trustees or directors.

§ 9. (1) Membership in the corporation may be initiated or terminated in the manner provided in the articles or the bylaws.

(2) Corporations and partnerships may, if permitted by the articles or bylaws, become members of a corporation organized under this Act.

(3) Unless otherwise provided by the articles or bylaws, all the rights of a member in the corporation, or its property, shall cease on the termination of his membership.

§ 10. The members of a corporation organized under this Act shall not be personally liable for any debt or obligation of the corporation, solely by reason of being members.

Section 11. (1) A corporation organized under this Act may, either by written consent of a majority of its members, or by vote of a majority of those members who are present and voting at a meeting duly called upon notice of the specific purpose, amend its articles in any respect consistent with the provisions of this Act; except that the articles or bylaws may require a written consent to be by a greater number of members than the minimum number prescribed by this sub-section.

(2) The provisions of KRS 271.450 shall apply to amendment of articles of corporations organized under this Act, except that the same may be signed and acknowledged by officers corresponding to those mentioned in that section.

§ 12. (1) Every corporation organized under this Act shall have an authorized agent upon whom process can be served. The name and address of the original agent shall be stated in the articles of incorporation as provided in Section 2 of this Act.

(2) When any change is made in the name or address of the process agent, the corporation shall at once file with the

Secretary of State a statement of the change. The former agent shall remain agent for the purpose of service of process until a statement designating the new agent is filed. The Secretary of State shall charge a fee of \$5.00 for the filing of such statement.

§ 13. A corporation organized under this Act may be dissolved in the manner provided in KRS 271.495 to 271.545 for business corporations. For this purpose, references in those sections to "shareholders" shall be deemed to be references to "members".

§ 14. All corporations heretofore incorporated in this state and in existence on the effective date of this Act, of a character and for purposes consistent with the provisions of this Act, shall be deemed to have been incorporated under the provisions of this Act and shall be subject thereto, with the exception of religious, charitable or educational corporations, which shall continue to be governed by the provisions of KRS 273.010 to 273.050.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. W. Burnley	Carson Hibbitts
Jason Alford	A. H. Calvert	C. J. Holsclaw
Earl F. Ashcraft	Earl W. Christian	M. G. Howard
Sidney Baer	George I. Cline	Ira W. Hulette
Levi Baker	Everett T. Cooper	Kerby Jennings
C. E. Baumgardner	Owen Deering	Paul S. Jonas
Fred Beshear	Kermit Dwyer	L. H. Jones
Isaac M. Blevins	Henry J. Giles	Ercel Kozee
Chas. J. Bronston	N. M. Hamilton	Harry K. Lowman
Mrs. Mary Burnett	James P. Hanratty	W. E. McClure

Ed Marcum	F. L. Robinson	Chas. L. Spillman
E. H. Martin	Lilburn S. Rogers	John M. Stumbo
C. D. Moberly	Amos Runyan	Albert Thomason
Archie R. Moore	Glenn Rushing	W. R. Tipton
Fred H. Morgan	Dr. K. N. Salyer	Wilford S. Travis
E. C. Mullins	D. B. Saylor	John C. Watts
H. M. Pewitt	James J. Shannon	Lawrence Watts
L. W. Preston	Paul E. Shannon	Morris Weintraub
Hobart Rayburn	James S. Shaw	Charles W. Wirsch
Ottis Roberts	Harry Smith	—59

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 195. An Act relating to the payment of state checks, clearance of outdated state checks from the treasurer's records and providing for the payment of outdated checks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any check issued by the State Treasurer shall not be valid as an order for payment after one year from its date of issue and this limitation shall appear on all checks issued. The State Treasurer is authorized to clear his records of all such unpaid checks and credit the amounts to the General Expenditure Fund.

When any properly endorsed check issued by the State Treasurer is presented for payment more than one year after its date of issue and within the period prescribed by Kentucky

Revised Statutes, Section 413.120, the State Treasurer shall, upon satisfactory proof of ownership, cancel such check and forward it to the Commissioner of Finance with the date and number of the Pay-In-Voucher, which credited the amount of such check to the General Expenditure Fund. The Commissioner of Finance shall draw a warrant against the check. All endorsements on the surrendered check shall have the same effect as if the check were paid by the drawee. All checks paid in the manner herein set forth shall be charged against the General Expenditure Fund.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	Lilburn S. Rogers
Jason Alford	C. J. Holsclaw	Amos Runyan
Roy W. Arnold	M. G. Howard	Glenn Rushing
Earl F. Ashcraft	Ira W. Hulette	Dr. K. N. Saylor
Sidney Baer	Kerby Jennings	James J. Shannon
Levi Baker	Paul S. Jonas	Paul E. Shannon
C. E. Baumgardner	J. Ernest Jones	James S. Shaw
Fred Beshear	L. H. Jones	Harry Smith
Isaac M. Blevins	Ercel Kozee	Chas. L. Spillman
Chas. J. Bronston	Harry K. Lowman	Geo. W. Steinfeld
Chas. W. Burnley	W. E. McClure	John M. Stumbo
A. H. Calvert	Ed Marcum	Albert Thomason
Earl W. Christian	C. D. Moberly	G. C. Thornton
Robert Collins	Archie R. Moore	W. R. Tipton
Everett T. Cooper	E. C. Mullins	Wilford S. Travis
Perry M. Cross	H. M. Pewitt	J. B. Veech
Owen Deering	J. H. Polsgrove	John C. Watts
Kermit Dwyer	L. W. Preston	Lawrence Watts
Henry J. Giles	E. F. Prichard	Lynn Boyd Wells
N. M. Hamilton	Hobart Rayburn	Charles W. Wirsch
James P. Hanratty	Ottis Roberts	

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 11. An Act authorizing retirement and disability plans for employes of cities, counties and their agencies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Cities of all classes and counties and the agencies of cities and counties are authorized to establish and operate plans for the payment of retirement, disability or hospitalization benefits to their employes. Such a plan may require employes to pay a percentage of their salaries into a fund from which benefits are paid, or the city, county or agency may pay out of its own funds the entire cost of the benefits. A plan may include a combination of contributions by employes and by the city, county or agency into a fund from which benefits are paid, or it may take any form desired by the city, county or agency. Each city, county or agency may make rules and regulations and do all other things necessary in the establishment and operation of such a plan. The term agency as used herein shall include boards appointed to operate waterworks, electric plants, hospitals, airports, housing projects, golf courses, parks, health departments, or any other public project.

Section 2. In the event the Congress of the United States extends the Social Security Act to cover employes of cities, counties and their agencies, such cities, counties and their agencies are authorized to participate in the United

States Social Security program by doing any and all things necessary to provide their employes with retirement or disability benefits or any other benefits that may be provided by that program.

Section 3. The provisions of this act shall be in addition to any other authority of cities, counties and their agencies to provide retirement and disability benefits for their employes, and shall not repeal or modify any acts except those that may be in conflict with this act.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Ira W. Hulette	Hobart Rayburn
Jason Alford	Kerby Jennings	F. L. Robinson
Roy W. Arnold	Paul S. Jonas	Lilburn S. Rogers
Sidney Baer	J. Ernest Jones	Glenn Rushing
Levi Baker	L. H. Jones	Paul E. Shannon
C. E. Baumgardner	Ercel Kozee	James S. Shaw
Fred Beshear	Harry K. Lowman	Harry Smith
Isaac M. Blevins	W. E. McClure	Chas. L. Spillman
Chas. J. Bronston	Ed Marcum	Geo. W. Steinfeld
Chas. W. Burnley	E. H. Martin	Albert Thomason
A. H. Calvert	Archie R. Moore	W. R. Tipton
Earl W. Christian	Fred H. Morgan	Wilford S. Travis
George I. Cline	E. C. Mullins	John C. Watts
Everett T. Cooper	Thomas A. Noe, Jr.	Lawrence Watts
N. M. Hamilton	H. M. Pewitt	Morris Weintraub
Carson Hibbitts	J. H. Polsgrove	Lynn Boyd Wells
C. J. Holsclaw	E. F. Prichard	Charles W. Wirsch

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There voted in the negative—

James J. Shannon

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 35. A Joint Resolution providing for the designation, as "The United Spanish War Veterans' Memorial Highway," of that portion of U. S. Highway No. 23 that passes through Kentucky, and for the suitable marking of the same.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Kentucky portion of U. S. Highway No. 23, which enters Kentucky at South Portsmouth, and passes through Greenup, Russell, Ashland, Catlettsburg, Louisa, Paintsville, and Pikeville to Jenkins, Kentucky, be and it hereby is designated as "The United Spanish War Veterans' Memorial Highway."

That the Department of Highways of Kentucky be and it hereby is instructed to erect and maintain such markers as may be necessary to properly mark and identify such highway as "The United Spanish War Veterans' Memorial Highway."

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said

resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	Amos Runyan
Jason Alford	M. G. Howard	Glenn Rushing
Sidney Baer	Ira W. Hulette	Dr. K. N. Salyer
Levi Baker	Kerby Jennings	James J. Shannon
Bernhardt Bauer	Paul S. Jonas	Paul E. Shannon
C. E. Baumgardner	L. H. Jones	James S. Shaw
Fred Beshear	Ercel Kozee	Harry Smith
Isaac M. Blevins	Harry K. Lowman	Chas. L. Spillman
Chas. W. Burnley	W. E. McClure	Geo. W. Steinfeld
A. H. Calvert	Ed Marcum	John M. Stumbo
Paul Carter	E. H. Martin	W. R. Tipton
Earl W. Christian	C. D. Moberly	Wilford S. Travis
Robert Collins	Archie R. Moore	J. B. Veech
Everett T. Cooper	E. C. Mullins	John C. Watts
Owen Deering	Thomas A. Noe, Jr.	Lawrence Watts
Kermit Dwyer	H. C. Patterson	Morris Weintraub
Henry J. Giles	Hobart Rayburn	Lynn Boyd Wells
N. M. Hamilton	Ottis Roberts	G. F. Williamson
Carson Hibbitts	Lilburn S. Rogers	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 47. A Resolution authorizing E. H. Marhoefer, Jr., Company to sue the Commonwealth of Kentucky; authorizing a compromise or settlement of such claim or suit; and providing for the payment of any judgment obtained or the amount of any settlement agreed upon.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That—

Whereas, E. H. Marhoefer, Jr., Company was the lowest and best bidder on contracts for the construction of waterworks improvements and a sewage treatment plant and sanitary sewers at Western State Hospital, at or near Hopkinsville, Kentucky; and

Whereas, the contracts for said improvements were awarded to the said E. H. Marhoefer, Jr., Company of said contracts designated and known as Contract H-5, Waterworks Improvement, Western State Hospital, Hopkinsville, Kentucky; Contract H-3, Sewage Treatment Plant, Division 1, Western State Hospital, Hopkinsville, Kentucky; and Contract H-3, Sewage Treatment Plant, Division 2, Western State Hospital, Hopkinsville, Kentucky; and

Whereas, said E. H. Marhoefer, Jr., Company submitted its bids and entered into said contracts in reliance upon plans, specifications and blueprints furnished the bidders and which formed a part of said contracts; and

Whereas, said plans, specifications and blueprints were prepared by an agency of the Commonwealth of Kentucky and purported to show in detail the water and sewage lines to be laid by said contractor, and purported to show the location of old sewage lines which existed under the surface of the ground and which were not visible by an inspection of the premises; and

Whereas, when the work was undertaken the contractor encountered a great many old sewer lines beneath the surface which had not been indicated on plans, blueprints or specifications; and

Whereas, said old sewer and water lines resulted in considerable delay and great additional expense to the contractor, and a great amount of extra work which was not anticipated and reasonably could not have been anticipated at the time the bids were submitted or at the time the contracts were executed; and

Whereas, the contractor contents that because of neglect, inefficiency, incompetency, and malicious and unreasonable requirements made and enforced by the engineer or engineers who supervised for the Commonwealth of Kentucky performance of the work which the contractor was required to do, the contractor was unreasonably delayed in the performance of the work and was required to deviate from the plans and specifications at greatly increased cost to the contractor, and for which the contractor was never compensated; and

Whereas, a dispute has arisen between said contractor and the Commonwealth of Kentucky with respect to additional compensation which the contractor claims to be due him because of various and sundry requirements imposed upon the contract which were not contemplated in or required by said contracts and specifications;

Now, therefore, in order that the respective rights of the parties may be finally determined, the said E. H. Marhoefer, Jr., Company hereby is authorized to institute and maintain a suit against the Commonwealth of Kentucky, at the contractor's election, either in the Christian Circuit Court or the Franklin Circuit Court, for such additional compensation as it may be entitled to receive and for such damages as it may have sustained, if any. The Attorney General of the Commonwealth of Kentucky may investigate the said claims against the Commonwealth and may compromise or settle said claims before or after suit is filed if he deems it advisable. Any amount adjudged to plaintiff in said suit or agreed upon by settlement with the Attorney General shall be paid out of funds appropriated to the Department of Welfare or out of any other available funds of the Commonwealth, upon warrant drawn by the Commissioner of Finance upon the State Treasurer. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky, as in other civil cases.

Nothing contained in this Resolution shall be considered by either the court or jury as substantive evidence on the merits of the alleged claim, and the court shall instruct the jury that the Resolution authorizing this suit shall not be

considered as an admission by the Commonwealth of Kentucky or any of its agencies of any liability on the part of the Commonwealth of Kentucky or any of its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	Amos Runyan
Jason Alford	M. G. Howard	Glenn Rushing
Sidney Baer	Ira W. Hulette	Dr. K. N. Salyer
Levi Baker	Kerby Jennings	James J. Shannon
Bernhardt Bauer	Paul S. Jonas	Paul E. Shannon
C. E. Baumgardner	L. H. Jones	James S. Shaw
Fred Beshear	Ercel Kozee	Harry Smith
Isaac M. Blevins	Harry K. Lowman	Chas. L. Spillman
Chas. W. Burnley	W. E. McClure	Geo. W. Steinfeld
A. H. Calvert	Ed Marcum	John M. Stumbo
Paul Carter	E. H. Martin	W. R. Tipton
Earl W. Christian	C. D. Moberly	Wilford S. Travis
Robert Collins	Archie R. Moore	J. B. Veech
Everett T. Cooper	E. C. Mullins	John C. Watts
Owen Deering	Thomas A. Noe, Jr.	Lawrence Watts
Kermit Dwyer	H. C. Patterson	Morris Weintraub
Henry J. Giles	Hobart Rayburn	Lynn Boyd Wells
N. M. Hamilton	Ottis Roberts	G. F. Williamson
Carson Hibbits	Lilburn S. Rogers	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 45. A Joint Resolution authorizing Morgan Wireman, as administrator of the estate of Johnny Wireman, Salyersville, Ky., to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Morgan Wireman, administrator of the estate of Johnny Wireman, of Salyersville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Magoffin Circuit Court for personal injuries resulting in the death of Johnny Wireman, alleged to have been caused by the Department of Highways and its employees in the construction of a highway and drainage system incident thereto.

Said suit shall be in a sum not to exceed fifteen thousand (\$15,000.00) dollars.

The Attorney General of the Commonwealth of Kentucky, may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said

resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	Amos Runyan
Jason Alford	M. G. Howard	Glenn Rushing
Sidney Baer	Ira W. Hulette	Dr. K. N. Salyer
Levi Baker	Kerby Jennings	James J. Shannon
Bernhardt Bauer	Paul S. Jonas	Paul E. Shannon
C. E. Baumgardner	L. H. Jones	James S. Shaw
Fred Beshear	Ercel Kozee	Harry Smith
Isaac M. Blevins	Harry K. Lowman	Chas. L. Spillman
Chas. W. Burnley	W. E. McClure	Geo. W. Steinfeld
A. H. Calvert	Ed Marcum	John M. Stumbo
Paul Carter	E. H. Martin	W. R. Tipton
Earl W. Christian	C. D. Moberly	Wilford S. Travis
Robert Collins	Archie R. Moore	J. B. Veech
Everett T. Cooper	E. C. Mullins	John C. Watts
Owen Deering	Thomas A. Noe, Jr.	Lawrence Watts
Kermit Dwyer	H. C. Patterson	Morris Weintraub
Henry J. Giles	Hobart Rayburn	Lynn Boyd Wells
N. M. Hamilton	Ottis Roberts	G. F. Williamson
Carson Hibbitts	Lilburn S. Rogers	Charles W. Wirsch

—57

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 44. A Joint Resolution authorizing Richmond Salyer, of Salyersville, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Richmond Salyer, of Salyersville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Magoffin Circuit Court for personal injuries and damage to automobile, alleged to have been caused by the Department of Highways and its employees in that a State Highway Truck ran into his automobile, thereby injuring said Richmond Salyer and damaging his automobile.

Siad suit shall be in a sum not to exceed Six Thousand (\$6,000) Dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Stste Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Levi Baker	Fred Beshear
Jason Alford	Bernhardt Bauer	Isaac M. Blevins
Sidney Baer	C. E. Baumgardner	Chas. W. Burnley

A. H. Calvert	Ercel Kozee	James J. Shannon
Paul Carter	Harry K. Lowman	Paul E. Shannon
Earl W. Christian	W. E. McClure	James S. Shaw
Robert Collins	Ed Marcum	Harry Smith
Everett T. Cooper	E. H. Martin	Chas. L. Spillman
Owen Deering	C. D. Moberly	Geo. W. Steinfeld
Kermit Dwyer	Archie R. Moore	John M. Stumbo
Henry J. Giles	E. C. Mullins	W. R. Tipton
N. M. Hamilton	Thomas A. Noe, Jr.	Wilford S. Travis
Carson Hibbits	H. C. Patterson	J. B. Veech
E. R. Hilton	Hobart Rayburn	John C. Watts
M. G. Howard	Ottis Roberts	Lawrence Watts
Ira W. Hulette	Lilburn S. Rogers	Morris Weintraub
Kerby Jennings	Amos Runyan	Lynn Boyd Wells
Paul S. Jonas	Glenn Rushing	G. F. Williamson
L. H. Jones	Dr. K. N. Salyer	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the the same had been referred, reported that they had examined and found to be correctly enrolled resolutions and a bill of the following title, viz.:

S. Res. No. 18. Resolution authorizing Marion Jackson Givens to sue the Commonwealth of Kentucky.

S. Res. No. 31. A Joint Resolution authorizing the removal of an unrealized account carried on the account records of the Department of Finance and the Department of the Treasury.

S. Res. No. 37. A Joint Resolution authorizing John Cleveland to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 39. A Joint Resolution authorizing the Pearson Construction Co., Inc., of 311 Ninth St., Benton Harbor, Mich., to sue the Commonwealth of Kentucky.

S. Res. No. 56. A Joint Resolution providing for the payment of per diems and expenses in connection with the performance of the functions of the Legislative Council, and making an appropriation for that purpose.

S. B. No. 155. An Act to amend and reenact KRS 296.225 relating to the investment of funds of domestic life insurance companies.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker Pro Tem in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills and a resolution which originated in that body of the following titles, viz.:

S. B. No. 102. An Act relating to the election of members of boards of education in county school districts and independent school districts; amending KRS 160.210 (1), 160.230 and 160.260 (1).

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 160.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members of boards of education in independent school districts shall be elected from the district at large, by the legal voters of the district, but in county school districts they shall be nominated from divisions, as provided in this section and in KRS 160.220.

Section 2. Section 160.230 of the Kentucky Revised Statutes is amended to read as follows:

“The ballot shall be in the form prescribed for ballots by the general election law, except that no party emblem or distinguishing mark shall be placed upon the ballot, save the words “School Ballot” at the head thereof. In independent school districts, the name of all candidates for membership on the board of education shall be printed on the first fifty ballots in a single column in the order the petitions are filed, and on each of the succeeding fifty ballots the names shall be printed in the same order, except that the last name on the preceding fifty ballots shall be shifted to the first place, and so on thereafter throughout, a like change being made in the printed order of names for every fifty ballots. In county school districts, there shall be a separate column for the candidates nominated from each division, and the same plan shall be followed with regard to the rotation of names in each column as provided above for independent school districts. The ballots shall be so bound that in the book of ballots for each voting precinct each candidate’s name will appear first on approximately the same number of ballots as that of every other candidate. As many additional lines shall be left blank as they are members to be elected from the district or division as the case may be. In precincts in which voting machines are used, the provisions of this section with respect to the rotation of names shall not be applicable; in such precincts, ballot labels shall be prepared and used, and votes shall be cast, as provided in KRS Chapter 125.”

Section 3. Subsection (1) of Section 160.260 of the Kentucky Revised Statutes is amended to read as follows:

“(1) In county school districts each voter may vote for only one candidate for each division, by making a cross in the square opposite the name of the candidate for whom he wishes to vote, in each column. The legally eligible candidate receiving the highest number of votes among the candidates from his division shall be declared elected from that division.”

S. B. No. 150. An Act amending Kentucky Revised Statutes, Chapter 286, establishing a Division of Film Censor-

ship under the supervision of the Department of Business Regulation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kentucky Revised Statutes, Section 286.030, is hereby amended and re-enacted to read as follows:

286.030. Organization of Department.—The Chairman of the Public Service Commission shall be ex officio Commissioner of Business Regulation and as such shall be the head of the department for administrative purposes. The department shall be divided into a Division of Motor Transportation, a Division of Securities, a Division of Insurance and a Division of Film Censorship. The heads of the division shall be appointed by the Governor and shall act under the supervision of the Commissioner.

There is further enacted the following to be known and numbered as Kentucky Revised Statutes, Section 286.080:

286.080. Division of Film Censorship.—The Division of Film Censorship, headed by a director, shall have and exercise all functions of the state relating to regulation of the public exhibition or display of motion picture film, including the censorship thereof, except as otherwise provided by law. The Director of this division shall have had at least 4 years successful business experience.

S. B. No. 151. An Act providing for the censorship of all motion picture films publicly displayed or exhibited in the state of Kentucky, including provisions for the licensing of same; providing and fixing fees therefor to defray the expenses of administering this act, and fixing and prescribing penalties for violations or infractions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I

Section 1. For the purposes of this chapter :

(1) "Division" shall mean the Division of Film Censorship of Kentucky.

(2) "Director" shall mean the director of the Division of Film Censorship.

(3) "Film" shall mean any motion picture film designed for public display or exhibition, except pictures or films depicting actual events or occurrences of a newsworthy value, regardless of whether or not a fee or admission charge is made to witness the showing of such film.

ARTICLE II

Section 1. For the purpose of administering this chapter there is hereby created a Board of Film Censorship. Said Board shall consist of the director of the Division of Film Censorship, who shall act as the chairman of said Board, and two Assistant Directors to be appointed by the Governor.

Section 2. The assistant directors, hereinabove provided for, shall be appointed for a term of 4 years, but may be removed by the Governor at any time prior to expiration of the term for which they were appointed without cause for such removal being given or assigned. They shall receive an annual salary of \$3,600.00 and shall possess the same qualifications as to business experience required of the director.

ARTICLE III

No person, firm or corporation shall display, exhibit, cause to be displayed or exhibited, or permit to be displayed or exhibited upon premises under their control, to the general public any motion picture film except in accordance with the provisions of this chapter.

ARTICLE IV

Section 1. It shall be the duty of the Board of Film Censorship to examine and censor, as herein provided, all motion picture films to be publicly exhibited and displayed in

the State of Kentucky, and whenever necessary the Board of Film Censorship may designate certain of the assistants employed by the Division, who under the direction and supervision of the Board of Film Censorship may examine motion picture films. Such films shall be submitted to the Division and passed and approved by the Division before they shall be delivered to any theater or exhibitor for exhibition within the State of Kentucky. The Division shall charge a fee of \$5.00 for each reel of film to be censored which does not exceed 1,000 lineal feet, and \$5.00 for each additional 1,000 lineal feet or fractional part thereof. All monies so received shall be paid each month into the State Treasury, to be credited to the account of the Division of Film Censorship. All monies so received and remaining unexpended for administrative purposes at the end of the fiscal year shall be paid into and credited to the general revenue fund.

Section 2. Only such films as are in the judgment and discretion of the Board of Censors of a moral, educational or amusing or harmless character shall be passed and approved by the Board, or its designated assistants. When a film has been censored by the Board of Censors a certificate evidencing the approval or rejection of such film shall be issued to the person, firm or corporation submitting the film for censorship. When a film is passed and approved by the Board of Censors such film shall be given an approval number which shall be shown on the certificate issued by the Board of Censors to the party submitting the film. Such certificate shall also show the title of such film and of eliminations ordered to be made from such film by the Board of Censors. For each film so approved there shall be issued by the Board of Censors an official stamp of approval of not less than 5 feet in length bearing the words "passed by the Kentucky Board of Film Censorship" and the number assigned to such film on the certificate of approval. The Board of Censors shall be authorized to recall any film for recensoring or to revoke any certificate permitting the exhibition of any film previously approved by them in the State of Kentucky, whenever in the judgment and discretion of the Board the public welfare requires such action. Before any motion picture film shall be

publicly exhibited, all eliminations ordered by the Board shall have been made by the person or persons submitting the same for approval, and there shall be projected upon the screen the official stamp of approval issued by the Board of such film at each public showing thereof.

Section 3. The Board of Censors may work in conjunction with any Censorship Board or Boards of legal status of other states as a censor congers and the action of such congress in approving or rejecting film shall be considered as the action of the Board and all films passed, approved, stamped and numbered by such congress shall, when the fees therefor have been paid to the Kentucky Division of Film Censorship, be considered as approved by such Board.

ARTICLE V

Section 1. Any person, firm or corporation lending, selling, leasing or renting any motion picture film for public display to any person or persons within the State of Kentucky without having complied with the provisions of this act shall, upon conviction, be fined not less than \$500 nor more than \$1,000 for each such offense. Each individual transaction, even though relating to the same subject film, shall constitute a separate offense.

Section 2. Any person, firm or corporation exhibiting motion picture film or displaying the same to the general public, whether a charge be made therefor or not, which film does not bear the official stamp of approval of the Board of Censorship of Kentucky shall, upon conviction be fined not less than \$200 nor more than \$500 for each such offense. Every complete public showing of such unapproved film shall constitute a separate offense.

S. B. No. 188. An Act relating to condemnation procedure for park and recreation purposes by cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 416.120 of the Kentucky Revised Statutes is hereby amended to read as follows:

Proceedings for condemnation by the director of parks and recreation of cities of the first class as authorized by KRS 97.257 shall be in the circuit court, conducted in the name of the city by the director of law of such city, and shall be commenced by petition and summons, and carried on in a manner similar to actions at law, except that in proceedings against nonresident, absent and unknown defendants the city shall not be required to post bond as provided under Section 410 of the Civil Code. In any such actions the owners of distinct parts of any one general tract sought to be condemned may be included in one proceeding, or any one or more of such owners holding contiguous properties may be proceeded against in a separate action. Trial of such actions shall be by a jury summoned under order of court and consisting of twelve freeholders of such city or county, who shall be sworn to ascertain and determine fairly and impartially by their verdict the amount of compensation each and every owner shall be entitled to receive for his or her land or property described in the petition and sought to be condemned. The city shall have the burden of proving the value of the property to be condemned; and in assessing damages to the owner of the property it shall be competent for the jury consider the benefits and advantages, if any, that to such owner will result from the proposed improvements, and to set off the same against such damages as the owner may have other than the value of the property actually condemned and taken by the city. Nonresidents, absent defendants, or unknown owners of property shall be proceeded against by warning order as in other civil actions. Any condemnation proceeding shall have precedence on the docket of the court and may be assigned for trial as soon as the parties are before the court. After return of the verdict of the jury, the city shall have no right to dismiss or abandon the proceedings. Upon return of the verdict of the jury, the court shall enter judgment vesting in such city the title to the property described and condemned, and requiring the city to pay the amount of money named in the verdict, and all taxed costs of the pro-

ceedings. Either party may appeal to the Court of Appeals within sixty days after the day on which the judgment was entered. An appeal by the landowner shall not supersede the judgment if the city shall pay into court the amount it is required to pay under the judgment, and upon making such payment the city shall be entitled to take immediate possession of the property condemned. If the city appeals, it shall not be required to pay the amount fixed by the judgment pending the appeal, unless the city desires to obtain immediate possession of the land, in which case it shall be required to pay the amount into court.

S. B. No. 283. An Act relating to rental contracts of Boards of Education in securing buildings, as provided by Sections 162.120 through 162.300, or Chapter 58, Kentucky Revised Statutes, and approval of budgets including funds for carrying out the terms of these contracts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No rental contract as provided for by Sections 162.120 through 162.300, or in accordance with Chapter 58, Kentucky Revised Statutes, shall be valid unless the Superintendent of Public Instruction has approved the proposed contract and plan of its liquidation as being within the financial ability of the district making said contract.

In considering said financial ability, he shall take into consideration the amount of outstanding obligations, the probable increase in costs of the program proposed and the probable increase in the income of the district for the period of the contract or any possible renewal thereof.

In approving budgets as provided for by law or the Rules and Regulations of the State Board of Education for districts which propose contracts referred to herein, the Superintendent of Public Instruction shall require that sufficient funds be placed in said budget to pay all obligations of such contract for that school year before said budget is recommended for approval by the State Board of Education.

S. B. No. 284. An Act to repeal Subsection (2) of Section 297.070 of the Kentucky Revised Statutes, relating to reports and statements of insurance companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

As follows—

That Subsection (2) of Section 297.070 of the Kentucky Revised Statutes, requiring separate reports and statements for each kind of business done, to be filed by any insurance company making both insurance on life and against accidents to persons, be, and the same is hereby repealed.

S. B. No. 314. An Act relating to flood control and water usage; creating a new Division of the Department of Conservation and defining its powers and duties; and making an appropriation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) There is hereby created in the Department of Conservation a Board to be known as the Flood Control and Water Usage Board (hereinafter referred to in this Act as the Board). The Board shall be composed of nine members, who shall be appointed by the Governor, and not more than five of whom shall be of the same political party. One member shall be appointed from each of the nine Congressional Districts of the state.

(2) Upon the appointment of the first members, the Governor shall designate three members for terms of two years, three for three years, and three for four years; thereafter, except for appointments to fill unexpired terms, each appointment shall be for a term of four years. All terms shall be deemed to commence as of July 1. Appointments shall be made of persons who are qualified to represent the

interest of the public in matters pertaining to flood control and municipal and industrial water usages.

(3) As advisors and consultants there shall be associated with the Board the Commissioner of Highways, the Commissioner of Health, the Director of the Division of Games and Fish and the President of the University of Kentucky, or their designated representatives. The Board shall have the authority to call upon as consultants and advisors any other persons whose qualifications and interests might be of assistance to the Board in problems relating to flood control and water usage.

(4) The members of the Board shall take the Constitutional Oath of office, and shall meet within thirty days after their appointment and designate a Chairman from among their members and may from time to time change such designation. A majority of the Board shall constitute a quorum. The Board shall hold at least four regular meetings per year and such additional meetings as may be required, and shall keep a record of its official actions. Members of the Board shall receive no compensation for their services, but shall be entitled to traveling expenses, including meals and lodging, necessarily incurred in discharging their duties.

(5) Administrative units and staffs to aid in the performance of the functions contemplated by this Act may be established upon authorization of the Governor in accordance with such detailed organization plan as may be determined by the Governor, under the provisions of KRS Chapter 12, 42 and 45.

Section 2. The Board shall:

(1) Undertake for and as the official body of the state, such studies and prepare such reports and recommendations as may be necessary to establish a state-wide program of flood control (including major drainage), and a state-wide program for the conservation of water for municipal and industrial usage.

(2) Study and review for the state as its official body, all survey reports, engineering reports, and other reports concerning or affecting projects within the state which are

proposed for construction by the Federal Government, the State Government or any agency or subdivision thereof, or which will involve the expenditure of Federal or State funds, and which might affect flood control or the usage of water resources of the state for municipal or industrial purposes, and to act as the official representative of the state in any representations, recommendations or requests to Congress or the General Assembly concerning such projects or the priority which should be accorded them with relation to the state-wide program.

(3) Have jurisdiction for flood control purposes over all streams within or bordering upon the state upon which any public funds have been or are hereafter expended for improvement, and shall have the authority to establish and enforce floodways along such streams. Notwithstanding any other provision of law, no person, and no city, county, or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction or improvement of any levee, dike, bridge, fill, embankment or other obstruction across or along any stream, unless the plans and specifications have been submitted to and approved in writing by the Board. No court may enter a final order establishing a levee district, drainage district, flood control system, or other organization to perform similar works, or approving or ordering the construction, reconstruction, relocation, improvement or enlargement of any project affecting flood control or the usage of water resources for municipal or industrial purposes within the state, or the condemnation of any land for such purposes, until there has been filed with such court a written approval of such project by the Board. However, nothing in this section is intended to give the Board any jurisdiction or control over the construction, reconstruction, improvement, relocation, enlargement, maintenance or operation of any drainage district, ditch or system established for agricultural purposes, or to require approval of the Board for the same.

(4) Make studies and investigations of the water resources of the state and the problems of agriculture, industry, conservation, health, stream pollution and allied matters as

they relate to flood control and protection and development of the water resources of the state for municipal and industrial usage.

(5) Cooperate with any local, state, or Federal agency, or the agencies of any other state engaged or proposing to engage in any work which will affect or be affected by the functions of the Board, and may lend to or receive from any such agency such assistance as may be necessary for the overall coordination of purposes and results to be accomplished, including such financial assistance as may be necessary within the limits of authorized expenditure.

(6) Report to the Governor through the Commissioner of Conservation not less often than once each year, and as often as may be required by the Governor or made desirable by circumstances, the results accomplished since its last report; its future program and plans; and the status of any work or plans in progress.

(7) Have authority to accept and use gifts, contributions, donations and grants, the same to be placed in a special trust or agency fund in the State Treasury in accordance with the provisions of KRS 41.290.

Section 3. Whenever the Governor shall declare that a state of flood emergency exists at any location within the State, and that flood control works, public or private property, or human life is threatened or impaired by reason thereof, the Board is authorized to take such action as it may consider necessary for the immediate protection or rescue of such property or life, whether by repair or reconstruction of flood control works, transportation or protection of persons or property, or by other means, and for such purpose the Board may use any funds which are available to it for the performance of any of its functions, or such funds as may be made available to it from any source for the purpose of such emergency work; provided, that this authority shall not extend to other than emergency work made necessary by reason of flood or high water or impending danger of impairment or destruction by reason thereof, and shall not include operation, maintenance of operation of flood control works or other action by the Board except in emergency.

Section 4. Any person, including municipalities, to whom the Board has denied a permit to perform any construction, reconstruction, relocation, improvement or enlargement of any project affecting flood control or the usage of water resources within the State, and who considers himself aggrieved thereby, may appeal the matter to the circuit court of the county in which the proposed project lies. The court shall hear the cause without a jury, and the burden of proof shall be on the proponent of the project. Any final order issued by such court in the matter shall be subject to appeal to the Court of Appeals, in the same manner as declaratory judgment suits.

Section 5. On its own initiative or when so directed by the Governor or the General Assembly, the Board shall make a preliminary survey and report of any project which involves or might involve expenditure of State funds or construction work by the State of Kentucky in the construction, reconstruction or maintenance of any flood control works or other works concerning or affecting the usage of water for municipal or industrial purposes. If the Board finds from such preliminary survey that the project is not favorable, no further action shall be taken on such project without specific instructions or authorization by the General Assembly. If the Board finds from such preliminary survey that such project is favorable on a basis of need, economic value or future development, it shall, upon its own initiative or upon direction by the Governor or the General Assembly, cause a comprehensive final survey and report to be prepared, and submit such report to the General Assembly for approval and authority to perform the necessary construction work. Except in cases of emergency, as defined in Section 3 of this Act, no funds appropriated for the purposes of this Act shall be expended in the construction, reconstruction or maintenance of any such project until and unless a comprehensive report of such project has been submitted to and approved by the General Assembly.

Section 6. To effectuate the provisions of the Act for the fiscal year beginning July 1, 1948, and ending June 30, 1949, and for the fiscal year beginning July 1, 1949, and ending

June 30, 1950, the sum of twenty-five thousand dollars (\$25,000.00) each year is hereby appropriated to the Board out of the General Expenditure Fund in the State Treasury.

Section 7. No other agency of the State having statutory functions, duties or powers pertaining to flood control and to the usage of water for municipal or industrial purposes may perform or exercise such functions, duties or powers except to such extent as may be delegated, directed or authorized by the Board. Provided, however, nothing herein contained is intended to, nor shall the same be construed as revising, amending, abrogating, restricting or diminishing the powers and duties that are now or hereafter conferred by law upon the Division of Soil and Water Resources, the Division of Game and Fish, or the Department of Health, of the Public Service Commission, or a drainage district or system heretofore or hereafter established under KRS Chapter 267 or 268.

Section 8. Section 146.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Conservation shall exercise all administrative functions of the state relating to:

(a) The operation and maintenance of parks and museums, except those allocated to the Department of Library and Archives;

(b) The conservation and protection of natural resources, except wildlife;

(c) Flood control for all purposes, and water usage for municipal and industrial purposes; and

(d) The publicizing of natural resources, agricultural, commercial and industrial development, and tourist attractions.

(2) The Department of Conservation may exercise the right of eminent domain as provided in KRS 148.060 and 148.070.

Section 9. Section 146.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Conservation shall be headed by a Commissioner of Conservation, who shall receive an annual salary of five thousand dollars.

(2) The Department shall be divided into a Division of Parks, a Division of Forestry, a Division of Publicity, a Division of Archaeology, and a Division of Soil and Water Resources. There shall be attached to and included within the department, the Flood Control and Water Usage Board.

S. Res. No. 65. A Joint Resolution authorizing the personal representative of Bernard J. Berghaus, deceased, to sue the Commonwealth of Kentucky; recognizing, acknowledging and validating the moral obligation of the Commonwealth of Kentucky for the wrongful death of the said Bernard J. Berghaus; authorizing the Attorney General to compromise or settle said claim; and providing for the payment of any judgment rendered or settlement effected.

Said resolution is as follows, viz.:

Whereas during the year 1937, Bernard J. Berghaus, of Louisville, Kentucky, was a member of the National Guard of Kentucky; and

Whereas during the flood of 1937 the said Bernard J. Berghaus was duly called to active duty by his commanding officer, and rendered long hours of service without relief and under exposure to severe weather conditions, and as a result thereof he contracted pneumonia and died on February 11, 1937; and

Whereas the said Bernard J. Berghaus was the sole and only support of his mother, Mrs. Catherine B. Berghaus, and as a result of his death she has been left without adequate means of support, and has been deprived of the care and support which she would otherwise have received from her son;

Now, Therefore—

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of Bernard J. Berghaus, deceased, be and hereby is authorized to sue the Commonwealth of Kentucky in the Jefferson Circuit Court for dam-

ages resulting to the mother of the said Bernard J. Berghaus as a result of his wrongful death while serving in the line of duty as a member of the National Guard of Kentucky. Such suit shall be for a sum not in excess of \$5,000.

If it is established in such suit that the said Bernard J. Berghaus died as a result of his service in the line of duty as a member of the National Guard of Kentucky, then the moral obligation of the Commonwealth of Kentucky to respond in damages for his wrongful death is hereby expressly recognized, acknowledged and validated.

The Attorney General is hereby authorized to compromise or settle this claim and any settlement that may be so effected or any judgment that may be recovered shall be paid out of the general expenditure fund by warrant of the Department of Finance drawn on the State Treasurer.

Either party to the suit authorized by this Resolution may appeal from any judgment which may be entered therein, as in any other civil case.

Ordered that said bills and said resolution be printed and referred to the Committee on Rules.

A message was received from the Senate requesting the House to return to the Senate, for the purpose of further consideration, a bill of the following titles, viz.:

S. B. No. 335. An Act providing payment of certain expenses to members of the General Assembly.

Mr. John C. Watts moved that said bill be returned to the Senate in accordance with the request of that body.

Said motion was agreed to.

Ordered that the Chief Clerk return said bill to the Senate.

A message was received from the Senate announcing that they had adopted a resolution which originated in that body of the following title, viz.:

S. Res. No. 73. A Concurrent Resolution providing for sine die adjournment of the General Assembly.

Said resolution is as follows, viz.:

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and House of Representatives adjourn on March 19, 1948, they do adjourn sine die.

Said resolution was adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 170. An Act making provisions for a state bonus for war veterans; including provisions for the raising of funds with which to pay such bonus by means of a plan involving an annual drawing for prizes based upon the running and order of finish of the Kentucky Derby, by the holders of tickets or certificates upon the distribution of which a tax shall be levied.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended by the enactment of a new section of the Constitution, to read as follows:

The General Assembly, through a state agency which it may establish for the purpose, may provide for the distribution, by sale or gift, of tickets or certificates entitling the holder thereof to participate in a drawing for prizes, in cash or otherwise, based upon the running and order of finish of the Kentucky Derby each year. The General Assembly shall further have authority to levy an excise tax upon the distribution, by sale or gift, of such tickets or certificates. The General Assembly shall further have authority to provide for

the payment of such prizes out of the proceeds of the sale of such tickets or certificates, or out of the revenue from the excise tax levied upon the distribution thereof. Such excess proceeds or revenues as may be received, over and above the amount of such prizes, shall be used first for the payment of a bonus to Kentucky war veterans, in such amount and under such terms and conditions as the General Assembly may provide. After the payment of such bonus, the excess proceeds or revenues shall thereafter be appropriated for public education, health, welfare, and old age assistance, in such proportions as the General Assembly may provide. For the purpose of early payment of such bonus, the General Assembly may authorize the issuance of warrants or revenue bonds payable out of and secured by the future proceeds or revenues arising from the distribution of the tickets or certificates above referred to.

§ 2. The above amendment shall be submitted to the voters at the time and in the manner provided for under Sections 256 and 257 of the Constitution and Section 118.430 of the Kentucky Revised Statutes. The question shall be stated on the ballots as follows:

“Are you in favor of amending the Constitution so as to enable the General Assembly to provide funds for the payment of a bonus to Kentucky War Veterans, and thereafter for public education, health, welfare, and old age assistance, through a plan involving public participation in an annual drawing for prizes based upon the running and order of finish of the Kentucky Derby?”

§ 3. If the amendment to the Constitution proposed by Section 1 of this Act shall be approved by the voters, in accordance with Section 256 of the Constitution, then, as of December 1, 1949, there shall be created and established a Kentucky Derby Sweepstakes Commission, to consist of five members appointed by the Governor. Such members shall be appointed for terms of four years, and until their successors are appointed and have qualified, except that upon the first appointment one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and two for terms of four years. The members of the

commission shall annually select from their number a chairman, who shall serve for a term of one year. Each member of the commission shall receive an annual salary of \$4,500, and his actual and necessary traveling expenses.

§ 4. The Kentucky Derby Sweepstakes Commission shall have authority to employ such personnel as it deems necessary for the performance of its functions, and to make contracts with agents or distributors, in this state or elsewhere, to assist in carrying out its functions.

§ 5. The Kentucky Derby Sweepstakes Commission shall formulate, prepare and execute plans for an annual drawing for prizes, in cash or otherwise, based upon the running and order of finish of the Kentucky Derby, in which drawing the holders of tickets or certificates issued by the commission may participate. The commission shall arrange and provide for the distribution of tickets or certificates, throughout this state or elsewhere, to all persons who may desire the same. The tickets or certificates shall be distributed free of charge, by gift, and no purchase price shall be charged or collected for the same.

§ 6. There is hereby levied, upon the distribution by gift of the tickets or certificates referred to in this Act, a state tax of one dollar for each ticket or certificate. The tax shall be paid by the person to whom the ticket or certificate is distributed, and shall be collected by the employe or agent of the Kentucky Derby Sweepstakes Commission who makes the distribution. Any employe or agent who distributes such tickets or certificates shall be required by the commission to give bond to the Commonwealth, in an amount and with sureties satisfactory to the commission, conditioned upon collection and prompt payment to the commission of the tax on all tickets or certificates distributed by him, and upon return, within a time fixed by the commission, of all tickets or certificates received by him for distribution and not distributed. The commission may, by contract with any employe or agent other than a salaried employe, allow the employe or agent a commission of not more than ten per cent of the amount of taxes collected by him, to cover expenses and services incident to the collection, reporting and remitting of the taxes.

§ 7. The revenue received from the tax imposed by Section 6 of this Act shall be paid into the State Treasury and credited to a special fund, to be known as the Kentucky Derby Sweepstakes Fund. There shall be advanced to this fund, during the fiscal year 1949-1950, out of the General Expenditure Fund, the sum of \$100,000 to meet preliminary expenses of the Kentucky Derby Sweepstakes Commission in commencing the performance of its duties and in providing for the first drawing. As soon as there shall be paid into the Kentucky Derby Sweepstakes Fund, out of the revenues from the tax imposed by Section 6 of this Act, the sum of \$200,000 over and above the amount of prizes to be awarded at the first annual drawing, the sum so advanced out of the General Expenditure Fund shall be repaid to that fund out of the sweepstakes fund. The Kentucky Derby Sweepstakes Fund shall constitute a continuing fund, and no portion of it shall lapse to the General Expenditure Fund at the end of any fiscal year. There shall be deemed to be appropriated out of such fund, each year, such sums as are necessary for the ordinary recurring expenses of operation of the Kentucky Derby Sweepstakes Commission, and for the prizes determined by the commission to be awarded at the annual drawing.

§ 8. After the repayment of the advancement out of the General Expenditure Fund referred to in Section 7 of this Act, all sums that shall be accumulated in the Kentucky Derby Sweepstakes Fund, over and above the operating expense requirements of the Kentucky Derby Sweepstakes Commission for the ensuing fiscal year, shall be transferred by the State Treasurer out of the Kentucky Derby Sweepstakes Fund and placed to the credit of another fund in the State Treasury to be known as the Veterans' Bonus Fund, out of which veterans' bonuses shall be paid in accordance with the following provisions of this Act.

§ 9. Every person who was engaged in any branch of the military or naval service of the United States, prescribed and classified by the United States War Department or United States Navy Department as a part of such service, during the period of actual hostilities during World War I or World War

II, who, at the time of entering such service, was a legal resident of Kentucky, and who:

(a) Is still in such service on the effective date of this Act, or

(b) Having been discharged from such service prior to the effective date of this Act under any conditions other than dishonorable, has continued to be a legal resident of Kentucky for not less than one year, shall be entitled to receive a bonus payment of \$600, out of the Veterans' Bonus Fund in consideration and recognition of the public services performed by such persons. The payments shall be made on July 1, 1951, or as soon thereafter as is possible, subject to the provisions of Section 13 of this Act.

§ 10. Administration of the bonus payments is vested in the Department of Military Affairs. Claims for payments shall be made to the department upon forms prescribed and furnished by the department. Each claimant shall be required to present satisfactory proof as to his eligibility for the bonus payment, in accordance with standards and regulations which the department shall prescribe as to the nature of proof of eligibility to be required.

§ 11. No claim for a bonus payment shall be recognized or allowed unless the claim is made to the Department of Military Affairs on or before June 30, 1951. Every claimant shall be required to designate, upon his application form, a beneficiary who will be entitled to receive payment in the event the claimant shall die before any or all of his bonus has been paid to him.

§ 12. In order to make early payment of the bonuses provided for in this Act, and for that purpose to supplement the initial sums credited to the Veterans' Bonus Fund as provided in Section 8 of this Act, the Department of Military Affairs shall have authority to issue revenue bonds, payable solely out of anticipated future accumulations to the Veterans' Bonus Fund by transfer from the Kentucky Derby Sweepstakes Fund, as provided in Section 8 of this Act. Such bonds shall be issued in accordance with the provisions of Chapter 58 of the Kentucky Revised Statutes. They shall not con-

stitute an indebtedness of the Commonwealth of Kentucky, and it shall be so stated on the face of each bond. If such bonds are issued, the interest and principal payments required to retire the bonds shall constitute a prior obligation against future accumulations to the Veterans' Bonus Fund, and only such portion of the accumulations as shall be in excess of the bond retirement requirements shall be available for direct bonus payments. The proceeds received from the issuance of the bonds shall be credited to a special account within the Veterans' Bonus Fund in the State Treasury, and shall be available to the Department of Military Affairs for bonus payments, and for administrative expenses in connection therewith.

§ 13. In the event sufficient funds are not available, through accumulations in the Veterans' Bonus Fund or through the issuance of revenue bonds, or both, to make immediate payment in full to all eligible bonus recipients, payments shall be made in installments of \$100 or any multiple thereof, as funds become available sufficient to do so.

§ 14. There shall be deemed to be appropriated to the Department of Military Affairs, out of the Veterans' Bonus Fund, such sums as are necessary for the performance of the duties imposed upon the department by this Act.

§ 15. After sufficient sums have been transferred from the Kentucky Derby Sweetstakes Fund to meet all of the requirements of this Act with respect to the payment of bonuses, including the retirement of any revenue bonds issued under Section 12 of this Act, any balance remaining in the sweepstakes fund, and all future accumulations to that fund, shall remain to the credit of that fund, subject to appropriation by the General Assembly for public education, health, welfare, and old age assistance, in such proportions and amounts as the General Assembly may provide.

§ 16. None of the provisions of Sections 3 to 15 of this Act shall become operative unless the amendment to the Constitution proposed by Section 1 of this Act shall be approved by the voters in accordance with Section 256 of the Constitution.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	Hobart Rayburn
Jason Alford	E. R. Hilton	Ottis Roberts
Roy W. Arnold	C. J. Holsclaw	F. L. Robinson
Earl F. Ashcraft	M. G. Howard	Amos Runyan
Sidney Baer	Ira W. Hulette	Glenn Rushing
Levi Baker	Paul S. Jonas	Dr. K. N. Salyer
Bernhardt Bauer	J. Ernest Jones	D. B. Saylor
C. E. Baumgardner	L. H. Jones	James J. Shannon
Fred Beshear	Ercel Kozee	Paul E. Shannon
Isaac M. Blevins	Harry K. Lowman	James S. Shaw
Chas. J. Bronston	W. E. McClure	Harry Smith
Chas. W. Burnley	Ed Marcum	Chas. L. Spillman
A. H. Calvert	E. H. Martin	Geo. W. Steinfeld
Paul Carter	C. D. Moberly	John M. Stumbo
Earl W. Christian	Archie R. Moore	G. C. Thornton
George I. Cline	Fred H. Morgan	Wilford S. Travis
Robert Collins	E. C. Mullins	J. B. Veech
Everett T. Cooper	Stanley Murphy	John C. Watts
Owen Deering	Thomas A. Noe, Jr.	Lawrence Watts
Kermit Dwyer	H. C. Patterson	Morris Weintraub
Henry J. Giles	H. M. Pewitt	Lynn Boyd Wells
Henry C. Hale	J. H. Polsgrove	G. F. Williamson
N. M. Hamilton	L. W. Preston	Charles W. Wirsch
James P. Hanratty	E. F. Prichard	

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Resolved that the title thereof be as aforesaid.

Mr. Jonas moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. No. 90. An Act relating to Jury Commissioners and amending Section 29.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 29.050 of the Kentucky Revised Statutes is amended so that said section when amended and re-enacted shall read as follows, to wit:

Jury Commissioners; *appointment, qualifications; vacancies; sessions; meetings secret; typist.* (1) Except as provided in KRS 29.090, the circuit judge of each county shall, at the first regular term of circuit court each year, or, in the case of courts of continuous session, at some time during the month of January, each year, appoint, as jury commissioners for one year, three intelligent and discreet housekeepers of the county over twenty-one years of age, resident in different portions of the county, having no action in court requiring the intervention of a jury, and who have not served as jury commissioners in the past year. They shall be sworn in open court to faithfully discharge their duty. If any commissioner cannot serve or cannot complete his service, the judge may appoint another person of like qualifications in his place.

(2) The commissioners shall meet at such time, promptly after their appointment, as will enable them to complete their duties not less than five days before the date specified by KRS 29.130 for drawing jury lists for the next term of court, or, in the case of courts of continuous session, not less than five days before the first Monday of the second month following the month in which they are appointed. The commissioners shall remain in session not longer than five days, except that in counties having a population of more than fifty thousand, they may remain in session ten days. They shall hold their

meetings in a room designated by the judge. While engaged in making lists of juries, selecting the names and writing, depositing or drawing them from the drum, no person shall be permitted in the room with them except that the jury commissioners of courts of continuous session may select a typist to aid them in the performance of their duty, who shall be sworn in open court to faithfully discharge his duties and who shall be in attendance on the commissioners in session. Such typist shall be compensated at the same rate as the commissioners, and his compensation shall be allowed and paid by the fiscal court, except that in counties containing cities of the first class, the compensation of the typist shall be two hundred dollars per year.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Ira W. Hulette	Amos Runyan
Jason Alford	J. Ernest Jones	Glenn Rushing
Roy W. Arnold	L. H. Jones	Dr. K. N. Salyer
Sidney Baer	Harry K. Lowman	D. B. Saylor
Levi Baker	W. E. McClure	James J. Shannon
C. E. Baumgardner	Ed Marcum	Paul E. Shannon
Isaac M. Blevins	E. H. Martin	James S. Shaw
Chas. J. Bronston	Archie R. Moore	Harry Smith
Chas. W. Burnley	Fred H. Morgan	Chas. L. Spillman
George I. Cline	E. C. Mullins	Geo. W. Steinfeld
Robert Collins	Thomas A. Noe, Jr.	John M. Stumbo
Everett T. Cooper	H. C. Patterson	G. C. Thornton
Horace T. Cull	H. M. Pewitt	W. R. Tipton
Henry J. Giles	J. H. Polsgrove	Wilford S. Travis
Henry C. Hale	L. W. Preston	John C. Watts
N. M. Hamilton	E. F. Prichard	Lawrence Watts
James P. Hanratty	Hobart Rayburn	Morris Weintraub
Carson Hibbits	Ottis Roberts	G. F. Williamson
C. J. Holsclaw	Lilburn S. Rogers	

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. No. 89. An Act relating to redevelopment corporations in cities of the second class, and the clearing, replanning, rehabilitating and reconstruction of substandard, insanitary, slum and blighted areas in such cities, through such corporations and by other means.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any city of the second class, and its appropriate officers, boards or commissions, shall have all of the rights, powers, privileges, duties and obligations that are given to cities of the first class by KRS 99.010 to 99.310, and all things that are authorized to be done in, by or for cities of the first class, by those sections, may likewise be done in, by or for cities of the second class, subject to the same terms, conditions and restrictions. For this purpose, any powers or duties vested in a named officer, board or commission of a city of the first class, by those sections, shall be deemed to be vested in the corresponding officer, board or commission of cities of the second class.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays beng taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	Ottis Roberts
Jason Alford	C. J. Holsclaw	Lilburn S. Rogers
Roy W. Arnold	Ira W. Hulette	Amos Runyan
Earl F. Ashcraft	Kerby Jennings	Glenn Rushing
Sidney Baer	Paul S. Jonas	Dr. K. N. Salyer
Levi Baker	J. Ernest Jones	D. B. Saylor
C. E. Baumgardner	L. H. Jones	LeRoy Saylor
Fred Beshear	Harry K. Lowman	James J. Shannon
Isaac M. Blevins	W. E. McClure	Paul E. Shannon
Chas. J. Bronston	E. H. Martin	James S. Shaw
Chas. W. Burnley	Archie R. Moore	Harry Smith
Paul Carter	Fred H. Morgan	Chas. L. Spillman
George I. Cline	E. C. Mullins	Geo. W. Steinfeld
Robert Collins	Stanley Murphy	John M. Stumbo
Everett T. Cooper	Thomas A. Noe, Jr.	G. C. Thornton
Horace T. Cull	H. C. Patterson	W. R. Tipton
Kermit Dwyer	H. M. Pewitt	Wilford S. Travis
Henry J. Giles	J. H. Polsgrove	John C. Watts
N. M. Hamilton	L. W. Preston	Lawrence Watts
James P. Hanratty	E. F. Prichard	Morris Weintraub
Carson Hibbitts	Hobart Rayburn	—62

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. John C. Watts moved that the House do now adjourn to meet again at 12 o'clock, noon, Wednesday, March 17, 1948.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 17, 1948.

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend Will B. Campbell, pastor of the Methodist Church, of Frankfort, Ky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	E. R. Hilton	L. W. Preston
Jason Alford	C. J. Holsclaw	E. F. Prichard
Roy W. Arnold	Clyde S. Howard	Hobart Rayburn
Earl F. Ashcraft	D. W. Howard	Ottis Roberts
Sidney Baer	M. G. Howard	F. L. Robinson
Levi Baker	R. N. Hubbard	Lilburn S. Rogers
Bernhardt Bauer	Ira W. Hulette	Amos Runyan
C. E. Baumgardner	Laban P. Jackson	Glenn Rushing
Fred Beshear	Kerby Jennings	Dr. K. N. Salyer
Isaac M. Blevins	Paul S. Jonas	D. B. Saylor
Chas. J. Bronston	J. Ernest Jones	James J. Shannon
Mrs. Mary Burnett	L. H. Jones	Paul E. Shannon
Chas. W. Burnley	Ercel Kozee	James S. Shaw
A. H. Calvert	Harry K. Lowman	Jesse H. Shelton
Paul Carter	W. E. McClure	Harry Smith
Earl W. Christian	Ed Marcum	Chas. L. Spillman
George I. Cline	F. G. Marquette	Geo. W. Steinfeld
Robert Collins	E. H. Martin	John M. Stumbo
Everett T. Cooper	C. D. Moberly	Albert Thomason
Perry M. Cross	Archie R. Moore	G. C. Thornton
Horace T. Cull	Davis Moore	W. R. Tipton
B. G. Davidson	Walter Moorman	Wilford S. Travis
Owen Deering	Fred H. Morgan	W. J. Ward
G. I. Drury	E. C. Mullins	John C. Watts
Kermit Dwyer	Stanley Murphy	Lawrence Watts
Henry J. Giles	Thomas A. Noe, Jr.	Morris Weintraub
Otto W. Goff	Joe E. Nunn	Lynn Boyd Wells
Henry C. Hale	Harmon S. Overby	Rodney Whitlow
N. M. Hamilton	H. C. Patterson	G. F. Williamson
James P. Hanratty	H. M. Pewitt	Charles W. Wirsch
Carson Hibbitts	J. H. Polsgrove	Mr. Speaker

Dr. Salyer moved that the reading of the Journal of the House of the proceedings of Tuesday, March 16, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills and a resolution which originated in this House of the following titles, viz.:

H. B. No. 30. An Act relating to the practice of dental hygiene, amending and supplementing the present statutes relating thereto.

H. B. No. 44. An Act relating to appeals to Circuit Courts from Juvenile or County Courts of neglected and dependent children.

H. B. No. 67. An Act amending Section 311.210 of the Kentucky Revised Statutes, relating to optometrists and the practice of optometry.

H. B. No. 78. An Act relating to the appointment, duties and compensation of Official Shorthand Reporters for circuit courts.

H. B. No. 127. An Act relating to tuition charge for junior colleges in cities of the second class.

H. B. No. 141. An Act relating to reimbursement of automobile expenses of Constables and Deputy Constables in counties containing first class cities.

H. B. No. 144. An Act to repeal and re-enact Section 25.610 of the Kentucky Revised Statutes, relating to the civil jurisdiction of justices' courts.

H. B. No. 149. An Act imposing a penalty for certain sexual perversions, practices or misconduct.

H. B. No. 154. An Act relating to the certification of teachers.

H. B. No. 163. An Act providing for an advancement against compensation and expenses to county tax commissioners.

H. B. No. 164. An Act repealing Section 28.510 of the Kentucky Revised Statutes, 1946, and re-enacting in lieu thereof a similar Section establishing a stenographer for police courts in cities of the first class.

H. B. No. 165. An Act to repeal Section 26.620 of the Kentucky Revised Statutes, 1946.

H. B. No. 215. An Act providing for payments from the proceeds of the sale of electrical energy, of water and of gas service by publicly owned light, water or gas plants to the boards of education of public school districts in which the property or properties of such publicly owned light, or water or gas plants may be located, and providing a method of determining the amount thereof.

H. B. No. 257. An Act relating to motor carriers, with particular reference to tax on passenger vehicles operated in the capacity of industrial busses.

H. B. No. 281. An Act relating to game and fish particularly to fishing licenses.

H. B. No. 282. An Act to prohibit the sale, purchase, barter, exchange or trade of wild rabbits; to prohibit the possession of wild rabbits for sale, barter, exchange or trade and to prohibit an attempt to sell, purchase, barter, exchange or trade wild rabbits.

H. B. No. 283. An Act relating to game and fish and the Division of Game and Fish.

H. B. No. 316. An Act relating to sick leave for teachers in the common schools.

H. B. No. 343. An Act to repeal, amend and re-enact Section 276.500 Kentucky Revised Statutes with respect to limitations of prosecutions and actions by and against common carriers by rail or by water.

H. B. No. 357. An Act relating to revenue and taxation.

H. B. No. 359. An Act providing for the photographing, photostating, microphotographing, microfilming or filming of records and papers of the Governor, Lieutenant Governor or any state administrative department, agency, commission or institution or the principal officer thereof and authorizing the use of such reproductions for record and copies thereof as evidence.

H. B. No. 361. An Act relating to taxation of motor fuels other than gasoline and prescribing the purposes for which such tax may be expended, and amending KRS 138.360 and KRS 138.390.

H. B. No. 362. An Act to repeal, amend and re-enact Section 138.500 of the Kentucky Revised Statutes relating to revenue and taxation.

H. B. No. 371. An Act to repeal and re-enact Section 343.030 Kentucky Revised Statutes, 1946, relating to the fees of alcoholic beverage licenses.

H. B. No. 374. An Act relating to the establishment of flood control systems in cities of the fourth class, providing the manner in which such systems may be established and financed.

H. B. No. 411. An Act to amend Sections 241.160 and 241.170 of the Kentucky Revised Statutes, relating to the appointment and qualifications of City Alcoholic Beverage Administrators.

H. B. No. 430. An Act to amend Section 69.070, Kentucky Revised Statutes, so as to provide an additional Assist-

ant Commonwealth's Attorney in counties having a population of 200,000 or more.

H. B. No. 475. An Act relating to attorneys for executive or administrative departments, agencies, divisions and independent agencies of the Commonwealth of Kentucky.

H. Res. No. 59. Joint Resolution for the benefit of officers and employees of the Senate and House of Representatives; and declaring an emergency.

Ordered that said bills and said resolution be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had passed a bill which originated in this House of the following title, viz.:

H. B. No. 162. An Act relating to allowances to county tax commissioners for compensation of deputies.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see H. J. of February 26, 1948, ante.)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz.:

Amend printed copy of House Bill 162 on page 2, Section 1, lines 10 and 11 by striking therefrom the last sentence which reads: "The provisions of this Act shall become effective January 2, 1950."

Said amendment to said bill as proposed and adopted by the Senate was then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Roy W. Arnold	James P. Hanratty	Lilburn S. Rogers
Sidney Baer	E. R. Hilton	Amos Runyan
Levi Baker	Clyde S. Howard	Glenn Rushing
Bernhardt Bauer	R. N. Hubbard	Dr. K. N. Salyer
C. E. Baumgardner	Ira W. Hulette	James J. Shannon
Fred Beshear	Paul S. Jonas	Paul E. Shannon
Chas. J. Bronston	J. Ernest Jones	Jesse H. Shelton
Mrs. Mary Burnett	Harry K. Lowman	Chas. L. Spillman
Chas. W. Burnley	W. E. McClure	Geo. W. Steinfeld
A. H. Calvert	F. G. Marquette	John M. Stumbo
E. W. Christian	E. H. Martin	G. C. Thornton
George I. Cline	Archie R. Moore	W. R. Tipton
Horace T. Cull	Davis Moore	Wilford S. Travis
B. G. Davidson	Fred H. Morgan	John C. Watts
Owen Deering	E. C. Mullins	Lawrence Watts
G. I. Drury	Joe E. Nunn	Morris Weintraub
Kermit Dwyer	Harmon S. Overby	Lynn Boyd Wells
Henry J. Giles	H. C. Patterson	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

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Mr. Burnley moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had passed a bill which originated in this House of the following title, viz.:

H. B. No. 200. An Act relating to juries.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see H. J. of February 19, 1948, ante.)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz.:

Amend House Bill 200, page one, Section one, line 7 after the words "for the County," by adding the following words:

"or last Returned Tax Commissioner Book".

Said amendment to said bill as proposed and adopted by the Senate was then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Otto W. Goff	H. M. Pewitt
Roy W. Arnold	N. M. Hamilton	J. H. Polsgrove
Sidney Baer	James P. Hanratty	L. W. Preston
Levi Baker	C. J. Holsclaw	E. F. Prichard
Bernhardt Bauer	Clyde S. Howard	Lilburn S. Rogers
C. E. Baumgardner	R. N. Hubbard	Amos Runyan
Fred Beshear	Kerby Jennings	Glenn Rushing
Chas. J. Bronston	Paul S. Jonas	Paul E. Shannon
Mrs. Mary Burnett	J. Ernest Jones	Geo. W. Steinfeld
Chas. W. Burnley	Harry K. Lowman	John M. Stumbo
A. H. Calvert	W. E. McClure	G. C. Thornton
Earl W. Christian	F. G. Marquette	W. R. Tipton
George I. Cline	E. H. Martin	Wilford S. Travis
Horace T. Cull	Archie R. Moore	John C. Watts
B. G. Davidson	Davis Moore	Lawrence Watts
Owen Deering	E. C. Mullins	Morris Weintraub
G. I. Drury	Joe E. Nunn	Lynn Boyd Wells
Henry J. Giles	Harmon S. Overby	Rodney Whitlow

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Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The Speaker delivered to the Chief Clerk the following communication, viz.:

March 17, 1948

Mr. Byron Royster
Chief Clerk
House of Representatives

Dear Mr. Royster:

As Chairman of the Rules Committee, I wish to report that the following bills and resolutions have been approved today and ordered to their first reading. This is your authority to record these bills in lieu of a committee report signed by a majority of the members and will take the place of individual committee reports.

Senate Bill 102	Senate Res. 61
Senate Bill 162	Senate Res. 62
Senate Bill 283	Senate Res. 63
Senate Bill 284	Senate Res. 65
Senate Bill 314	Senate Bill 327
Senate Bill 332	Senate Bill 168
Senate Bill 344	Senate Bill 317
Senate Bill 342	Senate Bill 95
Senate Res. 47	Senate Bill 223

A majority of the Rules Committee today has reported the following bills to be acted upon in the Orders of the Day:

Senate Bill 233	Senate Bill 221
Senate Bill 234	Senate Bill 160
Senate Bill 235	Senate Bill 53
Senate Bill 237	Senate Bill 127
Senate Bill 173	House Bill 179
Senate Bill 213	Senate Bill 207

House Bill	476	Senate Bill	268
House Bill	477	Senate Bill	287
Senate Bill	62	Senate Bill	293
Senate Bill	189	Senate Bill	296
Senate Bill	115	Senate Bill	297
Senate Bill	143	Senate Bill	303
Senate Bill	242	Senate Bill	307
Senate Bill	196	Senate Bill	311
Senate Bill	141	Senate Bill	312
Senate Bill	135	Senate Bill	313
Senate Bill	157	Senate Bill	315
Senate Bill	112	Senate Bill	271
Senate Bill	113	Senate Bill	164
Senate Bill	197	House Bill	485
Senate Bill	199	House Res.	70
Senate Bill	229	House Res.	71
Senate Bill	238	House Bill	486
Senate Bill	262	House Bill	487
Senate Bill	85	House Bill	488
Senate Bill	13	Senate Bill	257
Senate Bill	63	Senate Bill	54
Senate Bill	299	Senate Bill	165
Senate Bill	253	Senate Bill	127
Senate Bill	249	Senate Bill	259
House Bill	91	Senate Bill	91
Senate Bill	118	Senate Res.	34
House Bill	18	Senate Bill	207
House Bill	471	House Bill	484
Senate Bill	285	House Res.	12
Senate Bill	158	House Res.	17
Senate Bill	193	House Res.	18
Senate Bill	66	House Res.	25
Senate Bill	105	House Res.	38
Senate Bill	120	House Res.	42
Senate Bill	148	House Res.	43
Senate Bill	153	House Res.	46
Senate Bill	205	House Res.	49
Senate Bill	239	House Res.	60
Senate Bill	247	House Res.	61
Senate Bill	255	House Res.	62

House Res.	63	Senate Res.	35
House Res.	64	Senate Res.	34
House Res.	68	Senate Res.	32
House Res.	70	Senate Res.	29
House Res.	71	Senate Res.	28
Senate Res.	44	Senate Res.	26
Senate Res.	60	Senate Res.	25
Senate Res.	59	Senate Res.	24
Senate Res.	58	Senate Res.	23
Senate Res.	54	Senate Res.	21
Senate Res.	53	Senate Res.	20
Senate Res.	51	Senate Res.	13
Senate Res.	50	Senate Res.	12
Senate Res.	43	Senate Res.	10
Senate Res.	41	Senate Bill	190
Senate Res.	36		

Very truly yours,

T. Herbert Tinsley, Speaker.

The Committee on Rules, to which the same had been referred, reported bills and resolutions of the following titles, viz.:

S. B. No. 102. An Act relating to the election of members of boards of education in county school districts and independent school districts; amending KRS 160.210 (1), 160.230 and 160.260 (1).

S. B. No. 162. An Act relating to the handling, sale and distribution of barbiturates.

S. B. No. 283. An Act relating to rental contracts of Boards of Education in securing buildings, as provided by Sections 162.120 through 162.300, or Chapter 58, Kentucky Revised Statutes, and approval of budgets including funds for carrying out the terms of these contracts.

S. B. No. 284. An Act to repeal Subsection (2) of Section 297.070 of the Kentucky Revised Statutes, relating to reports and statements of insurance companies.

S. B. No. 314. An Act relating to flood control and water usage; creating a new Division of the Department of Conservation and defining its powers and duties; and making an appropriation.

S. B. No. 332. An Act relating to budget and financial administration of the State Government, with particular relation to revolving, trust and agency funds; amending KRS 45.140 of the Kentucky Revised Statutes.

S. B. No. 344. An Act relating to merger of independent school districts with county school districts.

S. B. No. 342. An Act creating the Kentucky Building Commission for the purpose of authorizing, approving and supervising the expenditure of State funds for certain State agencies and institutions, for purposes of capital outlay and defining the powers and duties of such Commission.

S. Res. No. 47. A Resolution authorizing E. H. Marhoefer, Jr., Company to sue the Commonwealth of Kentucky; authorizing a compromise or settlement of such claim or suit; and providing for the payment of any judgment obtained or the amount of any settlement agreed upon.

S. Res. No. 61. A Joint Resolution authorizing payment of the claim of Claud Duff, Sheriff of Owsley County, for services rendered in the return of a fugitive from justice, and making an appropriation for the purpose.

H. Res. No. 62. A Joint Resolution authorizing the payment of a claim of Chris H. Glanz, Jr., of Louisville, Kentucky, against the Commonwealth of Kentucky.

S. Res. No. 63. A Joint Resolution providing for the payment of per diem to the Assistant Clerk and the Chief Clerk of the 1944 First and Second Extraordinary Sessions of the General Assembly of Kentucky.

S. Res. No. 65. A Joint Resolution authorizing the personal representative of Bernard J. Berghaus, deceased, to sue the Commonwealth of Kentucky; recognizing, acknowledging and validating the moral obligation of the Commonwealth of Kentucky for the wrongful death of the said Bernard J. Berghaus; authorizing the Attorney General to compromise or settle said claim; and providing for the payment of any judgment rendered or settlement effected.

S. B. No. 327. An Act amending KRS 382.430, relating to recording of instruments securing indebtedness.

S. B. No. 168. An Act to amend and re-enact Subsection 38 of Section 23.050 of Kentucky Revised Statutes.

S. B. No. 317. An Act relating to the holding of real estate by a religious society; amending subsection (1) of Section 273.090 of the Kentucky Revised Statutes.

S. B. No. 95. An Act to repeal, amend and re-enact Section 95.768 Kentucky Revised Statutes, 1946 Edition, providing for the establishment of a police and firemen's pension fund in cities of the fourth class and for the source, custody, investment and disbursement of said fund.

S. B. No. 223. An Act relating to motor vehicles, with particular reference to the granting of operator's licenses.

With the expression of opinion that same should pass.

Whereupon, said bills and said resolutions were each and severally read at length for the first time and

Ordered placed on the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz.:

S. B. No. 1. An Act making an appropriation for the purpose of recovering and providing for the burial of the

bodies of those men who were killed in the Straight Creek Coal Mine disaster on or about December 26, 1945, and whose bodies are now entombed in the mine, and providing means and methods by which recovery of the bodies may be accomplished, and declaring an emergency. This Act shall be known and cited as the Moss-Hibbits Act.

S. B. No. 14. An Act relating to taxation by cities.

S. B. No. 340. An Act relating to the availability of state funds appropriated for public assistance, including old-age assistance, aid to dependent children, and aid to the needy blind.

S. B. No. 38. An Act to amend Section 75 of the Criminal Code of Practice, relating to bail after conviction and pending appeal.

S. B. No. 319. An Act for the consolidation of the offices of sheriff and jailer in counties containing a city of the first class.

S. B. No. 320. An Act providing for the use, operation and administration of jails in counties containing a city of the first class.

S. B. No. 321. An Act providing for the acquisition, use, operation and administration of a workhouse or penal farm in counties containing a city of the first class.

S. B. No. 322. An Act providing for the parole of persons confined in the workhouse or penal farm for counties containing a city of the first class.

S. B. No. 323. An Act relating to private corporations, amending Section 271.005 of the Kentucky Revised Statutes.

S. B. No. 206. An Act conferring additional powers and duties upon the Kentucky Statute Revision Commission, with respect to the preparation, publication and distribution of cer-

tain legal material, particularly an index to the Debates of the Constitutional Convention of 1890 and 1891.

S. B. No. 212. An Act to repeal and reenact Section 298.100 of the Kentucky Revised Statutes relating to the annual statement of condition required of a domestic insurance company.

S. B. No. 231. An Act relating to the acquisition and preservation of revenue stamps by the Kentucky Historical Society.

S. B. No. 203. An Act to amend Sub-section (2) of Section 69.110 of Kentucky Revised Statutes pertaining to district detectives in counties containing cities of the second class.

S. B. No. 345. An Act relating to financial assistance for the development of airports.

S. B. No. 270. An Act relating to highway traffic regulations, with particular reference to meeting, overtaking or passing a stopped school bus.

S. B. No. 208. An Act fixing and establishing the boundary between the counties of Clinton and Cumberland, in the vicinity of the Dale Hollow Reservoir.

S. B. No. 289. An Act relating to the destroying, breaking, tearing down, writing upon, marring, handling or carrying away of any rock, wall, or other formation within any cave exhibited to the public as a natural attraction, without the consent of the owner.

Ordered that said bills be read at length the second time.

Mr. Burnley moved that the Constitutional provision as to the second reading at length of said bills be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills having been dispensed with, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 486. An Act appropriating money out of the General Expenditure Fund to supply deficiencies in appropriations heretofore made to the following offices, departments, divisions, commissions, institutions and sub-divisions of the State Government, to wit: Clerk of Court of Appeals, Auditor of Public Accounts, Secretary of State Statute Revision Commission, Department of Treasury, Department of Finance, Department of Welfare, Department of Education, University of Kentucky, Lincoln Institute, the Military Department, and declaring the existence of an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

There is hereby appropriated out of the General Expenditure Fund in the State Treasury as of the effective date of this Act the following sums to the offices, departments, commissions and institutions, and divisions of the State Government for the purpose of supplying deficiencies in the appropriations heretofore made for the fiscal year 1947-48.

Clerk of Court of Appeals, for ordinary recurring expenses of operation	\$1,500.00
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Auditor of Public Accounts, for ordinary recurring expenses of operation \$4,600.00

Secretary of State, for ordinary recurring expenses of operation \$1,800.00

Statute Revision Commission, for ordinary recurring expenses of operation and extraordinary expenses deemed necessary for the Commission \$4,600.00

State Treasury, for ordinary recurring expenses of operation \$2,105.00

DEPARTMENT OF FINANCE

Commissioner of Finance, for ordinary recurring expenses of the various divisions within the Department of Finance \$16,500.00

Public Printing Costs, not a specific charge against other budget units \$3,000.00

Paper for election ballots and General Assembly, for ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly as required by law \$3,000.00

DEPARTMENT OF WELFARE

Division of Hospitals and Mental Hygiene, for ordinary recurring expenses of operation \$552,500.00

Division of Corrections, for ordinary recurring expenses of operation \$500,750.00

Kentucky Childrens Home, for ordinary recurring expenses of operation \$45,400.00

Division of Child Welfare, for ordinary recurring expenses of operation \$25,000.00

Old Age Assistance Payments, Aid to Needy Blind and Aid to Dependent Children, not to be used for costs of administration \$600,000.00

DEPARTMENT OF EDUCATION

State Board of Education, for printing as required by statute \$6,000.00

Surplus Property, for ordinary recurring expenses of operation \$7,000.00

Public School Lunch Program, for ordinary recurring expenses of operation to be administered by the Superintendent of Public Instruction \$8,461.30

Kentucky School for the Deaf—White, for ordinary recurring expenses of operation \$15,000.00

Lincoln Institute, for capital outlay on construction of dormitory now in progress \$93,000.00

University of Kentucky, for capital outlay on construction of Field House now in progress \$1,700,000.00

MILITARY DEPARTMENT

Adjutant General, for ordinary recurring expenses of operation \$1,253.50

Section 2.

The funds heretofore appropriated for the purposes set out in Section 1 of this Act having been either exhausted or found insufficient for the carrying on of the necessary functions of the State Government, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Mullins offered the following amendment to said bill, viz.:

Amendment No. 1.

Amend H. B. No. 486, on page 3, section 1, lines 51 and 52, by striking all of said lines 51 and 52.

Mr. Mullins moved that the House do now adopt said Amendment No. 1 to said bill.

The yeas and nays being required thereon by Mr. Mullins and Mr. Jennings were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	George I. Cline	James P. Hanratty
Roy W. Arnold	Everett T. Cooper	E. R. Hilton
Earl F. Ashcraft	Kermit Dwyer	D. W. Howard
Paul Carter	Henry J. Giles	M. G. Howard

Kerby Jennings	L. W. Preston	James S. Shaw
L. H. Jones	Ottis Roberts	Harry Smith
Ercel Kozee	F. L. Robinson	John M. Stumbo
E. C. Mullins	D. B. Saylor	Wilford S. Travis
Stanley Murphy	James J. Shannon	Charles W. Wirsch
Joe E. Nunn		—28

Those who voted in the negative were—

Bernam Adams	Clyde S. Howard	Hobart Rayburn
Sidney Baer	R. N. Hubbard	Lilburn S. Rogers
Levi Baker	Ira W. Hulette	Amos Runyan
C. E. Baumgardner	Laban P. Jackson	Glenn Rushing
Fred Beshear	Paul S. Jonas	Dr. K. N. Salyer
Isaac M. Blevins	J. Ernest Jones	Paul E. Shannon
Chas. J. Bronston	Harry K. Lowman	Jesse H. Shelton
Mrs. Mary Burnett	W. E. McClure	Chas. L. Spillman
Chas. W. Burnley	E. H. Martin	Albert Thomason
A. H. Calvert	C. D. Moberly	G. C. Thornton
Earl W. Christian	Archie R. Moore	W. R. Tipton
Robert Collins	Davis Moore	W. J. Ward
Perry M. Cross	Walter Moorman	John C. Watts
Horace T. Cull	Fred H. Morgan	Lawrence Watts
Owen Deering	Thomas A. Noe, Jr.	Morris Weintraub
G. I. Drury	Harmon S. Overby	Lynn Boyd Wells
Otto W. Goff	H. C. Patterson	Rodney Whitlow
N. M. Hamilton	J. H. Polsgrove	G. F. Williamson
C. J. Holselaw	E. F. Prichard	—56

Thereupon said motion was disagreed to.

And thereupon said Amendment No. 1 to said bill was disagreed to.

Mr. Arnold offered the following amendment to said bill,
viz.:

Amendment No. 2.

Amend House Bill No. 486 by striking from Section 1 of the bill, on page 3 of the original typewritten bill, the following paragraph:

“Kentucky School for the Deaf—White, for ordinary recurring expenses of operation\$15,000.00”

and inserting in lieu thereof the following paragraphs:

“Kentucky School for the Deaf—White, for ordinary recurring expenses of operation\$25,000.00.

“Kentucky School for the Deaf—Colored, for ordinary recurring expenses of operation\$ 2,500.00.”

Mr. Arnold moved that the House do now adopt said Amendment No. 2 to said bill.

The yeas and nays being required thereon by Mr. Bauer and Mr. Arnold were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	D. W. Howard	Amos Runyan
Roy W. Arnold	M. G. Howard	D. B. Saylor
Earl F. Ashcraft	Laban P. Jackson	James J. Shannon
Bernhardt Bauer	Kerby Jennings	James S. Shaw
Isaac M. Blevins	L. H. Jones	Harry Smith
Paul Carter	Ercel Kozee	John M. Stumbo
Everett T. Cooper	F. G. Marquette	Albert Thomason
B. G. Davidson	C. D. Moberly	G. C. Thornton
Kermit Dwyer	Archie R. Moore	Wilford S. Travis
Henry J. Giles	Walter Moorman	W. J. Ward
Henry C. Hale	E. C. Mullins	Lynn Boyd Wells
James P. Hanratty	Stanley Murphy	Charles W. Wirsch
Carson Hibbitts	L. W. Preston	
E. R. Hilton	Ottis Roberts	

—40

Those who voted in the negative were—

Bernam Adams	Chas. W. Burnley	G. I. Drury
Sidney Baer	A. H. Calvert	Otto W. Goff
Levi Baker	Earl W. Christian	N. M. Hamilton
C. E. Baumgardner	George I. Cline	C. J. Holsclaw
Fred Beshear	Robert Collins	Clyde S. Howard
Chas. J. Bronston	Horace T. Cull	R. N. Hubbard
Mrs. Mary Burnett	Owen Deering	Ira W. Hulette

Paul S. Jonas	J. H. Polsgrove	Jesse H. Shelton
J. Ernest Jones	E. F. Prichard	Chas. L. Spillman
W. E. McClure	Hobart Rayburn	W. R. Tipton
Davis Moore	F. L. Robinson	John C. Watts
Thomas A. Noe, Jr.	Lilburn S. Rogers	Lawrence Watts
Harmon S. Overby	Glenn Rushing	Morris Weintraub
H. C. Patterson	Dr. K. N. Saylor	Rodney Whitlow
H. M. Pewitt	Paul E. Shannon	G. F. Williamson

—45

Thereupon said motion was disagreed to.

And thereupon said Amendment No. 2 to said bill was disagreed to.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Robert Collins	M. G. Howard
Jason Alford	Everett T. Cooper	R. N. Hubbard
Earl F. Ashcraft	Perry M. Cross	Ira W. Hulette
Sidney Baer	Horace T. Cull	Laban P. Jackson
Levi Baker	B. G. Davidson	Kerby Jennings
Bernhardt Bauer	G. I. Drury	Paul S. Jonas
C. E. Baumgardner	Kermit Dwyer	J. Ernest Jones
Fred Beshear	Henry J. Giles	L. H. Jones
Isaac M. Blevins	Otto W. Goff	Ercel Kozee
Chas. J. Bronston	Henry C. Hale	Harry K. Lowman
Mrs. Mary Burnett	N. M. Hamilton	W. E. McClure
Chas. W. Burnley	James P. Hanratty	F. G. Marquette
A. H. Calvert	Carson Hibbitts	E. H. Martin
Paul Carter	E. R. Hilton	C. D. Moberly
Earl W. Christian	C. J. Holsclaw	Archie R. Moore
George I. Cline	Clyde S. Howard	Davis Moore

Walter Moorman	Lilburn S. Rogers	Albert Thomason
E. C. Mullins	Amos Runyan	G. C. Thornton
Thomas A. Noe, Jr.	Glenn Rushing	W. R. Tipton
Joe E. Nunn	Dr. K. N. Saylor	Wilford S. Travis
Harmon S. Overby	D. B. Saylor	W. J. Ward
H. C. Patterson	James J. Shannon	John C. Watts
H. M. Pewitt	Paul E. Shannon	Lawrence Watts
J. H. Polsgrove	James S. Shaw	Morris Weintraub
L. W. Preston	Jesse H. Shelton	Lynn Boyd Wells
E. F. Prichard	Harry Smith	Rodney Whitlow
Hobart Rayburn	Chas. L. Spillman	G. F. Williamson
Ottis Roberts	John M. Stumbo	Charles W. Wirsch
F. L. Robinson		—85

There voted in the negative—

D. W. Howard —1

Mr. John C. Watts offered the following amendment to the title of said bill, viz.:

Amend the title of H. B. No. 486 by correcting a misspelled word in the second line of the title, to wit: "appropriations" to "apropriations."

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Speaker vacated the Chair and designated Mr. Holsclaw as Speaker Pro Tem.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 487. An Act appropriating money out of the General Expenditure Fund in the State Treasury for the fiscal year ending June 30, 1948, for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing of former appropriations against which such claims were chargeable.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund in the State Treasury, for the fiscal year ending June 30, 1948, to the following named departments of the State Government, for the purpose of compensating the persons herein named for claims which have been duly audited and approved according to law but which have not been paid because of the lapsing of former appropriations against which said claims were chargeable, the sums hereinafter specified:

1. To the Department of Finance, to pay the claims of:

Geo. G. Fetter, Louisville, Kentucky	\$ 59.74
State Journal, Frankfort, Kentucky	52.50
Perry Publishing Company, Frankfort, Kentucky.....	17.85
C. T. Dearing Printing Co., Louisville, Kentucky.....	6,999.57
Sheriff's Claims	1,753.19
Perry Publishing Company, Frankfort, Kentucky.....	43.48

2. To the Department of Conservation, to pay the claims of:

Miller-Bryant-Pierce, Aurora, Illinois	187.00
Ky. Camera & Supply Co., Louisville, Kentucky.....	51.86

3. To the Department of Education, to pay the claims of:

Perry Publishing Co., Frankfort, Kentucky.....	29.70
State Journal Co., Frankfort, Kentucky	508.13
Commercial Coffee Company	36.00
Carolina Biological Supply Company	130.83

General Biological Supply Company	333.03
Perry Publishing Company, Frankfort, Ky.	305.70

4. To the Department of Revenue, to pay the claims of:

The Sentinel-Echo, London, Kentucky	5.00
The Kentucky New Era, Hopkinsville, Ky.	9.00
International Business Machine	2.97
Perry Publishing Company, Frankfort, Ky.....	1,019.55
State Journal Company, Frankfort, Ky.	4.20

5. To the Department of Welfare, to pay the claims of:

Standard Brands, Inc.	100.10
Klarer Provision Company	336.11
Brooks Denhard	486.30
Skinner Bros	158.69
American Refining Machinery Co.	247.00
General Electric Supply Co.	324.61
Fenley's Model Dairy	708.00
Health Food Products Co.....	922.50
Miami Margarine Co.	129.00
Graybar Electric Co.	1,506.60
Rubel Dry Goods Co.	1,268.76
John Wiley Jones Co.	27.75
Lopez & Baker Laboratory	32.15
Standard Textile Co.	1,455.01
Films, Inc.	62.16
Dr. W. D. Sparrow	68.00
Louisville Chemical Co.	131.50
Mason-Neilan Regulator Co.	9.19
Louisville Mill Supply Co.	14.24
Louisville Feed & Mineral Co.	5.50
Geo. G. Fetter Co.	638.16
Multigraph Sales Agency	14.90
Southern Bell Telephone Co.	5.00
The Lang Company	33.60
Addressograph Sales Agency	86.74
Maxie Burns, Jailor of Clay County	13.70
Floyd Furnish, Jailor of Owen County	17.45
Geo. T. Ransdell, Jailor of Oldham County	6.85

6. To the Department of Law, to pay the claims of:

Geo. T. Fetter Co.	16.79
Boundary Line Commission, Senate Resolution No. 34, travel expense of G. B. Taylor and.....	47.67
Davis Williams	19.80
General Electric Supply Co.	60.05
Graybar Electric Co.	315.07
State Journal Co., Senate Journal, Balance	71.85
State Journal Co., House Journals, Balance	63.22

Section 2. The persons above named having in good faith furnished the services, supplies and materials indicated in Section 1 and the Commonwealth having received the benefit of the same, an emergency is declared to exist and this act shall take effect upon its passage and approval by the Governor.

Mr. John C. Watts offered the following amendment to said bill, viz.:

Amend printed copy of House Bill 487, on page 4, section 1, line 3, by striking out the word "benefify" and inserting in lieu thereof the word "benefits."

Said amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	Ottis Roberts
Jason Alford	E. R. Hilton	F. L. Robinson
Earl F. Ashcraft	C. J. Holsclaw	Amos Runyan
Sidney Baer	Clyde S. Howard	Dr. K. N. Salyer
Levi Baker	D. W. Howard	D. B. Saylor
Bernhardt Bauer	M. G. Howard	LeRoy Saylor
C. E. Baumgardner	R. N. Hubbard	James J. Shannon
Isaac M. Blevins	Ira W. Hulette	Paul E. Shannon
Chas. J. Bronston	Laban P. Jackson	James S. Shaw
Mrs. Mary Burnett	Kerby Jennings	Jesse H. Shelton
Chas. W. Burnley	Paul S. Jonas	Harry Smith
A. H. Calvert	L. H. Jones	Chas. L. Spillman
Paul Carter	Ercel Kozee	John M. Stumbo
Earl W. Christian	F. G. Marquette	Albert Thomason
George I. Cline	E. H. Martin	G. C. Thornton
Robert Collins	C. D. Moberly	W. R. Tipton
Horace T. Cull	Archie R. Moore	Wilford S. Travis
B. G. Davidson	Fred H. Morgan	John C. Watts
G. I. Drury	Thomas A. Noe, Jr.	Lawrence Watts
Kermit Dwyer	Joe E. Nunn	Morris Weintraub
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson
Henry C. Hale	J. H. Polsgrove	Charles W. Wirsch
N. M. Hamilton	E. F. Prichard	
James P. Hanratty	Hobart Rayburn	

—73

There voted in the negative—

L. W. Preston

—1

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 471. An Act relating to the working of prisoners outside of the walls of the prison; amending KRS 197.140.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 197.140 of the Kentucky Revised Statutes is amended to read as follows:

No prisoner who has been sentenced for rape, attempted rape, detaining a woman against her will, or who has escaped or attempted to escape, or who has been convicted and sentenced more than twice, or who has been convicted of highway robbery or bank robbery, shall be worked or released for work outside of the walls of the prison. No prisoner who has been sentenced to life imprisonment shall be worked or released for work outside of the walls of the prison until he has actually served within the walls of the prison for at least one year of his sentence.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Earl W. Christian	Otto W. Goff
Sidney Baer	George I. Cline	Henry C. Hale
Levi Baker	Robert Collins	N. M. Hamilton
Bernhardt Bauer	Everett T. Cooper	James H. Hanratty
C. E. Baumgardner	Horace T. Cull	Carson Hibbitts
Isaac M. Blevins	B. G. Davidson	C. J. Holsclaw
Chas. J. Bronston	G. I. Drury	Clyde S. Howard
Chas. W. Burnley	Kermit Dwyer	M. G. Howard
A. H. Calvert	Henry J. Giles	R. N. Hubbard

Ira W. Hulette	Stanley Murphy	Paul E. Shannon
Kerby Jennings	Tohmas A. Noe, Jr.	James S. Shaw
Paul S. Jonas	Joe E. Nunn	Jesse H. Shelton
J. Ernest Jones	Harmon S. Overby	Chas. L. Spillman
Harry K. Lowman	H. M. Pewitt	John M. Stumbo
W. E. McClure	J. H. Polsgrove	G. C. Thornton
F. G. Marquette	E. F. Prichard	W. R. Tipton
E. H. Martin	Hobart Rayburn	W. J. Ward
C. D. Moberly	F. L. Robinson	John C. Watts
Archie R. Moore	Lilburn S. Rogers	Lawrence Watts
Davis Moore	Glenn Rushing	Lynn Boyd Wells
Walter Moorman	Dr. K. N. Salyer	Charles W. Wirsch
Fred H. Morgan	James J. Shannon	—65

Those who voted in the negative were—

E. R. Hilton	Ottis Roberts	Harry Smith
D. W. Howard	D. B. Saylor	Wilford S. Travis

—6

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 484. An Act relating to high school service for war veterans.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Each school district in this state shall admit to its twelve-grade school service, without tuition, any veteran of the Armed Forces whose attendance was interrupted, before completing the approved twelve-grade school course, by reason of induction or enlistment in the Armed Forces, who applies for re-enrollment in the public school system of the district of his residence not later than four years after his honorable discharge from the Armed Forces. However, this is not intended to apply to enrollment by veterans in special courses for whom tuition is paid under the provisions of Federal laws, or otherwise.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	E. R. Milton	H. M. Pewitt
Jason Alford	C. J. Holsclaw	L. W. Preston
Earl F. Ashcraft	D. W. Howard	E. F. Prichard
Sidney Baer	M. G. Howard	Hobart Rayburn
Levi Baker	R. N. Hubbard	Ottis Roberts
Bernhardt Bauer	Ira W. Hulette	F. L. Robinson
C. E. Baumgardner	Laban P. Jackson	Lilburn S. Rogers
Fred Beshear	Kerby Jennings	Amos Runyan
Isaac M. Blevins	J. Ernest Jones	Glenn Rushing
Chas. J. Bronston	L. H. Jones	Dr. K. N. Salyer
Mrs. Mary Burnett	Ercel Kozee	D. B. Saylor
Chas. W. Burnley	Harry K. Lowman	James J. Shannon
A. H. Calvert	W. E. McClure	Paul E. Shannon
Earl W. Christian	F. G. Marquette	Chas. L. Spillman
George I. Cline	E. H. Martin	Geo. W. Steinfeld
Robert Collins	C. D. Moberly	John M. Stumbo
Everett T. Cooper	Archie R. Moore	G. C. Thornton
Horace T. Cull	Davis Moore	W. R. Tipton
B. G. Davidson	Walter Moorman	Wilford S. Travis
G. I. Drury	Fred H. Morgan	W. J. Ward
Kermit Dywer	E. C. Mullins	John C. Watts
Henry J. Giles	Stanley Murphy	Lawrence Watts
Henry C. Hale	Thomas A. Noe, Jr.	Morris Weintraub
N. M. Hamilton	Joe E. Nunn	Lynn Boyd Wells
James P. Hanratty	Harmon S. Overby	G. F. Williamson
Carson Hibbitts	H. C. Patterson	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 488. An Act relating to the licensing of motor vehicles owned by governmental units, amending Section 186.060 and Section 186.240 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 186.060 of the Kentucky Revised Statutes is amended to read as follows: Applications for registration for motor vehicles owned exclusively by a county, city, or board of education in the state, or by the state or federal government, shall be accompanied by a statement from the head of a department of the governmental unit that owns the motor vehicle certifying that the motor vehicle is exclusively owned and operated by the governmental unit. The application and statement shall be forwarded by the county clerk to the department, which shall give special authority to the clerk to register it. Upon receiving that authority, the clerk shall issue a registration receipt and the official number plate described in Section 186.240, Subsection (3), as amended by this Act, and report the registration to the head of the department authorizing the registration. For his services in issuing such certificate of registration and number plate and reporting the same, the county clerk shall be entitled to a fee of fifty cents in each instance, to be paid by the department upon whose authorization such license was issued.

2. After such registration of any vehicle owned exclusively by the state and after issuance of such number plate for such vehicle so owned, no subsequent registration or renewal of same, and no subsequent renewal of a number plate of said vehicle shall be necessary so long as said vehicle is owned exclusive by the state, except in the case of loss or

destruction of said license plate. In the event of such loss or destruction, said number plate shall be replaced in the same manner as if no plate had ever been issued.

3. No person shall use on a motor vehicle, not exclusively owned by a county, city board of education in the state, or the state or federal government, any license plate that has been issued for use on a motor vehicle owned by such a governmental unit.

4. Section 186.240, of the Kentucky Revised Statutes is amended to read as follows:

It shall be the duty of the department to carry out the provisions of KRS 186.020 to 186.260 and in doing so shall:

(1) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in KRS 186.020 to 186.260, provided that the forms for receipts shall be designated for the writing of not less than triplicate copies, the originals of which shall be numbered consecutively for each county; the second and third copies bearing the same number as the original; and the colors of all copies shall be different and the combinations of colors shall not be the same for consecutive years. Receipts to be used as duplicates for lost receipts, as provided in KRS 186.180 (1), shall be in duplicate only, and shall not be numbered.

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor numbers required by KRS 186.160.

(3) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times, a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The department shall prescribe a plate of practical form and size for police identification purposes which shall contain only the registration number, the word "Kentucky", or the abbreviation thereof, "Ky.", and the name of the county in which the plate is issued, or in lieu thereof the words "Official",

“Highway”, “Executive” or “Farm”, and the year for which the license is issued if the year is not evidenced as otherwise provided in this chapter; provided, however, no numerals indicating any year shall be placed upon any license plate issued under and in accordance with the provisions of Section 186.060, as amended by this Act, relating to the licensing of vehicles owned exclusively by the state.

(4) Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than December 1.

(5) Receive all moneys forwarded by the clerk in each county and turn same over to the State Treasurer for the benefit of the State Road Fund; and out of this fund there shall be appropriated to the department administering KRS 186.020 to 186.260 an amount to be expended in the manner provided by law for the administration of its functions.

(6) Require an accounting by the clerk in each county for any monies received by him under the provisions of this chapter, after the deduction of his fees under this chapter, and for all receipts, forms, plates and insignia consigned to him.

(7) When applied for under KRS 186.160, motor numbers assigned shall be distinctive to show that they were designated by the department.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Bernhardt Bauer	Isaac M. Blevins
Sidney Baer	C. E. Baumgardner	Mrs. Mary Burnett
Levi Baker	Fred Beshear	Chas. W. Burnley

A. H. Calvert	Ira W. Hulette	L. W. Preston
Earl W. Christian	Laban P. Jackson	E. F. Prichard
George I. Cline	Kerby Jennings	Ottis Roberts
Robert Collins	L. H. Jones	F. L. Robinson
Perry M. Cross	Ercel Kozee	Amos Runyan
Horace T. Cull	Harry K. Lowman	Glenn Rushing
Owen Deering	W. E. McClure	Dr. K. N. Salyer
G. I. Drury	F. G. Marquette	James J. Shannon
Kermit Dwyer	E. H. Martin	Paul E. Shannon
Henry J. Giles	C. D. Moberly	James S. Shaw
Otto W. Goff	Archie R. Moore	Harry Smith
Henry C. Hale	Fred H. Morgan	John M. Stumbo
N. M. Hamilton	E. C. Mullins	W. R. Tipton
Carson Hibbitts	Thomas A. Noe, Jr.	W. J. Ward
C. J. Holsclaw	Joe E. Nunn	John C. Watts
Clyde S. Howard	Harmon S. Overby	Lawrence Watts
D. W. Howard	H. C. Patterson	Rodney Whitlow
M. G. Howard	H. M. Pewitt	G. F. Williamson
R. N. Hubbard	J. H. Polsgrove	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 485. An Act relating to school taxes, amending Section 160.460 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) All school taxes shall be levied by the fiscal court of each county, except that in independent school districts embracing cities of the first four classes, when the boundary lines of independent districts in such cities are coterminous with the municipal limits of such cities, the tax shall be levied by the governing body of the city, and except that in independent districts where the boundary includes a city of the fourth class together with other territory, the tax shall be levied by the district board of education and the board shall make the necessary levy on the property in the district. The tax levying authority shall levy an ad valorem tax for ordinary school purposes, and, if requested or determined, a special ad valorem tax for building fund purposes, at the rates specified by the district board of education and approved by the State Board of Education, within the limits prescribed in KRS 160.475 and 160.476, and such poll tax as the district board of education requests or determines, within the limits prescribed in KRS 160.475, except that the tax levying authority of an independent district embracing a city of the first class shall determine, within the limits prescribed in KRS 160.475 and 160.476, the rates of ad valorem taxes.

(2) The tax pevying authority shall make its annual school levy during April, unless the authority is required by law to make all of its levy, including the school levy, at a different time of the year. The failure of the authority to make the levy within the date prescribed shall not invalidate any levy made thereafter.

(3) All school taxes shall be levied on all property subject to local taxation in the jurisdiction of the tax levying authority. The clerk of each county and the clerk of each city shall certify to the school district or districts which the county or city embraces the total assessed valuation of property subject to local taxation in the school district, as determined by its tax assessor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Paul S. Jonas	Amos Runyan
Sidney Baer	J. Ernest Jones	Glenn Rushing
C. E. Baumgardner	Ercel Kozee	James J. Shannon
Mrs. Mary Burnett	Harry K. Lowman	Paul E. Shannon
Chas. W. Burnley	W. E. McClure	Jesse H. Shelton
A. H. Calvert	F. G. Marquette	Chas. L. Spillman
Earl W. Christian	E. H. Martin	Geo. W. Steinfeld
George I. Cline	Archie R. Moore	John M. Stumbo
B. G. Davidson	Davis Moore	G. C. Thornton
Otto W. Goff	Fred H. Morgan	Wilford S. Travis
James P. Hanratty	E. C. Mullins	W. J. Ward
Carson Hibbitts	Joe E. Nunn	John C. Watts
C. J. Holsclaw	H. C. Patterson	Lawrence Watts
M. G. Howard	H. M. Pewitt	Morris Weintraub
R. N. Hubbard	J. H. Polsgrove	Rodney Whitlow
Laban P. Jackson	L. W. Preston	G. F. Williamson
Kerby Jennings	Lilburn S. Rogers	Charles W. Wirsch

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Those who voted in the negative were—

Earl F. Ashcraft	G. I. Drury	Ottis Roberts
Bernhardt Bauer	Henry J. Giles	D. B. Saylor
Fred Beshear	Ira W. Hulette	Harry Smith
Isaac M. Blevins	L. H. Jones	W. R. Tipton
Everett T. Cooper	C. D. Moberly	Lynn Boyd Wells

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Resolved that the title thereof be as aforesaid.

Mr. Pewitt moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Holsclaw, Speaker Pro Tem, vacated the Chair and the Speaker resumed the Chair and presided.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled a resolution of the following title, viz.:

H. Res. No. 59. Joint Resolution for the benefit of officers and employees of the Senate and House of Representatives; and declaring an emergency.

Thereupon all other business was suspended, said resolution was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said resolution to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said resolution duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The Speaker vacated the Chair and designated Mr. Holsclaw as Speaker Pro Tem.

Mr. Bauer moved that the rules be suspended and the privilege of the floor extended to Mr. L. T. Penniston.

Said motion was unanimously agreed to.

Mr. Maurice G. Howard moved that the rules be suspended and the privilege of the floor extended to Miss Rose Steinfeld.

Said motion was unanimously agreed to.

Mr. Goff moved that the rules be suspended and the privilege of the floor extended to Mrs. Lilly Kincaid.

Said motion was unanimously agreed to.

Mr. Alford moved that the rules be suspended and the privilege of the floor extended to Mr. P. A. Hackney.

Said motion was unanimously agreed to.

Mr. Robinson moved that the rules be suspended and the privilege of the floor extended to Mrs. Tyrel and Miss Gillenwater.

Said motion was unanimously agreed to.

Mr. Polsgrove moved that the rules be suspended and the privilege of the floor extended to Judge Scherer and Mr. Jeff McIntyre.

Said motion was unanimously agreed to.

Mr. Thornton moved that the rules be suspended and the privilege of the floor extended to Mrs. G. C. Thornton, Mrs. F. O. Thornton and Miss Ruth Ann Thornton.

Said motion was unanimously agreed to.

Mr. Deering moved that the rules be suspended and the privilege of the floor extended to Dr. Robert Spaulding.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 179. An Act to repeal, amend and re-enact Section 276.490, Kentucky Revised Statutes, with respect to obstructing or interfering with the duties of the Kentucky Railroad Commission.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 276.490 Kentucky Revised Statutes be, and it is hereby repealed, amended and re-enacted so as to read as follows, viz.:

276.490(1) No person shall in any way hinder or obstruct the Kentucky Railroad Commission in the discharge of its duties relating to express companies and carriers of property by water.

(2) No officer, agent or employee of a railroad shall in any way hinder or obstruct the Commission in the discharge of its duties relating to railroads.

(3) Every officer, agent and employee of a railroad shall furnish to the Commission or its employees, any and all information regarding its operation, maintenance, cost of operation, revenue received and expense of maintaining and operating the railroad when requested to do so by the order of the Commission; and any person, officer, agent or employee of a railroad who shall violate the provisions of this section shall be fined not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for each offense, and shall be liable for any damages caused by the violation.

Mr. Mullins offered the following amendments to said bill, viz.:

Amendment No. 1. Amend printed copy of H. B. No. 179, on pages 1 and 2, section 3, lines 9 to 14, inclusive, by striking all of said lines and inserting in lieu thereof the following:

“Any official or agency of a railroad shall furnish to the commission information essential to the proper performance

of the duties of the Commission regarding the operation, maintenance, costs of operation and maintenance, and the revenues received by such railroad, when requested to do so by order of the Commission; any official or agency of such railroad who violates the provisions of”.

Amendment No. 2.. Amend printed copy of H. B. No. 179, on page 2, line 17, by striking the comma following the word “offense” and inserting in lieu thereof a period, and by striking the remainder of line 17, beginning with the word “and”.

Said amendments to said bill were each and severally agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, and the same having been engrossed, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Paul S. Jonas	Hobart Rayburn
Sidney Baer	Harry K. Lowman	Amos Runyan
Levi Baker	Archie R. Moore	Glenn Rushing
Bernhardt Bauer	Walter Moorman	Dr. K. N. Salyer
Fred Beshear	Fred H. Morgan	Paul E. Shannon
Chas. W. Burnley	E. C. Mullins	Geo. W. Steinfeld
A. H. Calvert	Stanley Murphy	John M. Stumbo
B. G. Davidson	Joe E. Nunn	W. J. Ward
Carson Hibbitts	H. C. Patterson	Lawrence Watts
E. R. Hilton	H. M. Pewitt	Morris Weintraub
Clyde S. Howard	J. H. Polsgrove	G. F. Williamson
Kerby Jennings	E. F. Prichard	

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Those who voted in the negative were—

Bernam Adams	Isaac M. Blevins	Robert Collins
Earl F. Ashcraft	Paul Carter	Everett T. Cooper
C. E. Baumgardner	George I. Cline	Perry M. Cross

Horace T. Cull	Laban P. Jackson	Lilburn S. Rogers
G. I. Drury	L. H. Jones	D. B. Saylor
Kermit Dwyer	W. E. McClure	James J. Shannon
Henry J. Giles	F. G. Marquette	James S. Shaw
Henry C. Hale	E. H. Martin	Jesse H. Shelton
N. M. Hamilton	C. D. Moberly	Harry Smith
James P. Hanratty	Thomas A. Noe, Jr.	W. R. Tipton
C. J. Holtsclaw	Harmon S. Overby	Wilford S. Travis
D. W. Howard	L. W. Preston	Lynn Boyd Wells
R. N. Hubbard	Ottis Roberts	Rodney Whitlow
Ira W. Hulette	F. L. Robinson	Charles W. Wirsch

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And so said bill was rejected.

Mr. John C. Watts moved that the vote by which said bill was rejected be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 476. An Act to amend Section 119.250 of the Kentucky Revised Statutes, 1946 edition, to require the payment of a fee at the time of filing nomination papers for candidates for United States Senator and Representative in Congress.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 119.250 of the Kentucky Revised Statutes, 1946 edition, is hereby amended by inserting: "filing fees for candidates for Congress" in the head-note, by inserting "(1)" after the head-note, and by adding the following new subsection:

(2) No person shall have his name printed on the official ballot of his party as a candidate for the office of United States Senator or for the office of Representative in Congress unless the nomination papers filed with the Secretary of State are accompanied by a certified check, payable to the State Treasurer, for the amount of the filing fee required by this subsection. In the case of a candidate for the office of United States Senator the filing fee shall be \$500. In the case of a candidate for the office of Representative in Congress the filing fee shall be \$250. Subject to the provisions of KRS 41.070, all receipts under this subsection shall be promptly paid into the Treasury." so that said section when so amended shall read as follows:

"119.250 County clerk's fees; filing fees for candidates for Congress. (1) The county clerk shall receive a fee of one dollar for each notification and declaration filed with him, to be paid by the candidate when the notification and declaration is filed, and a fee of twenty-five cents for each name published as provided in KRS 119.190, to be paid by the county. The county clerk shall receive no other fees for his services under this chapter.

"(2) No person shall have his name printed on the official ballot of his party as a candidate for the office of United States Senator or for the office of Representative in Congress unless the nomination papers filed with the Secretary of State are accompanied by a certified check, payable to the State Treasurer, for the amount of the filing fee required by this subsection. In the case of a candidate for the office of United States Senator the filing fee shall be \$500. In the case of a candidate for the office of Representative in Congress the filing fee shall be \$250. Subject to the provisions of KRS 41.070, all receipts under this subsection shall be promptly paid into the Treasury."

Sec. 2. This Act shall take effect and be in force from and after its passage and approval.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Otto W. Goff	E. F. Prichard
Fred Beshear	L. H. Jones	Jesse H. Shelton
Chas. J. Bronston	W. E. McClure	Chas. L. Spillman
Mrs. Mary Burnett	E. H. Martin	G. F. Williamson
A. H. Calvert	Walter Moorman	
Horace T. Cull	Stanley Murphy	

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Those who voted in the negative were—

Jason Alford	Carson Hibbitts	J. H. Polsgrove
Roy W. Arnold	E. R. Hilton	L. W. Preston
Earl F. Ashcraft	C. J. Holsclaw	Hobart Rayburn
Sidney Baer	Clyd S. Howard	Ottis Roberts
Bernhardt Bauer	D. W. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Isaac M. Blevins	Laban P. Jackson	Glenn Rushing
Chas. W. Burnley	Kerby Jennings	D. B. Saylor
Paul Carter	Paul S. Jonas	James J. Shannon
Earl W. Christian	J. Ernest Jones	Paul E. Shannon
George I. Cline	Ercel Kozee	Harry Smith
Robert Collins	Harry K. Lowman	Geo. W. Steinford
Everett T. Cooper	F. G. Marquette	G. C. Thornton
Perry M. Cross	C. D. Moberly	W. R. Tipton
B. G. Davidson	Archie R. Moore	Wilford S. Travis
G. I. Drury	E. C. Mullins	W. J. Ward
Henry J. Giles	Thomas A. Noe, Jr.	Lawrence Watts
Henry C. Hale	Joe E. Nunn	Morris Weintraub
N. M. Hamilton	H. C. Patterson	Rodney Whitlow
James P. Hanratty	H. M. Pewitt	Charles W. Wirsch

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And so said bill was rejected.

Mr. Holsclaw, Speaker Pro Tem, vacated the Chair and the Speaker resumed the Chair and presided.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. No. 331. An Act relating to the administrative organization of the state government, with particular relation to the enumeration of the constitutional administrative departments, statutory administrative departments, and independent agencies; amending KRS 12.020.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 12.020 of the Kentucky Revised Statutes is amended to read as follows:

Except as otherwise provided by law, the functions of the state are divided among the constitutional administrative departments, statutory administrative departments and independent agencies as follows:

I. Constitutional Administrative Departments:

1. The Governor.
2. Department of State.
3. Department of Law.
4. Department of the Treasury.
5. Department of Agriculture, Labor and Statistics.
6. Department of Education.
7. Department of Military Affairs.

II. Statutory Administrative Departments:

1. Department of Finance.
2. Department of Revenue.
3. Department of Highways.
4. Department of Welfare.
5. Department of Health.
6. Department of Industrial Relations.
7. Department of Business Regulations.
8. Department of Conservation.
9. Department of Library and Archives.

10. Department of Mines and Minerals.
11. Department of Alcoholic Beverage Control.
12. Department of Banking.
13. Department of Economic Security.
14. Department of Aeronautics.

III. Independent Agencies:

1. Auditor of Public Accounts.
2. Legislative Research Commission.
3. Board of Election Commissioners.
4. Board of Registration and Purgation.
5. Railroad Commission.
6. State Racing Commission.
7. Public Service Commission.
8. County Debt Commission.
9. Soil Conservation Committee.
10. Statute Revision Commission.
11. Division of Game and Fish.
12. Kentucky Disabled Ex Servicemen's Board.

S. B. No. 334. An Act prohibiting the furnishing of information by any telegraph, telephone or messenger or wire service, to be used by any betting establishment or handbook concerning any horse race or races in or out of the State of Kentucky, and prescribing penalty for violation of this statute.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That it shall be unlawful for any telegraph, telephone, teletype or any other wire service or messenger company or any officer, agent, messenger or employee thereof, to knowingly furnish, deliver or communicate to any owner, proprietor, agent or employee of any poolroom, handbook or betting establishment maintained, kept, operated or conducted in the Commonwealth of Kentucky, whereat any money or other thing of value shall be or can be bet, won or lost, on the result of any horse race or races run or to be run

in or out of the Commonwealth of Kentucky, or whereat or wherein any money or other thing of value shall be received or paid for any ticket, lot, pool or chance on the result of any such horse race or races run or to be run in or out of the Commonwealth of Kentucky, any message, communication or information to be used at such poolroom, handbook or betting establishment as above set out, in this Statute concerning any horse race or races in or out of the Commonwealth of Kentucky.

Sec. 2. That any such company, person, firm or corporation mentioned in Section 1 of this Statute that shall violate any provision of this Statute shall, on conviction, be fined a sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and imprisoned for not less than thirty (30) days nor not more than one (1) year or both, and for a subsequent offense shall be confined in the penitentiary for not less than one (1) year nor not more than five (5) years. Each message or communication so furnished or delivered or communicated shall constitute a separate offense.

S. B. No. 325. An Act relating to various things required to be published or advertised in newspapers; including provisions for the preparation, filing and publication of certain financial statements by public officers, the publication of information concerning persons returned by the sheriff on his return of tax warrants, and other provisions relating to newspaper publications or advertisements required by law.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.290 of the Kentucky Revised Statutes is re-enacted as follows:

(1) Except in counties containing a city of the first class and cities required by law to publish an annual audit of their financial affairs, of the kind and character contemplated by this section, every public officer of any county, graded school

district, city, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, shall at the expiration of each fiscal year prepare an itemized sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed. The statement shall show the amount of public funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended, and to whom paid; provided, however, that only the total of the amounts paid as salary during the fiscal year to each official or employe of the governmental unit shall be shown in the statement. The officer shall procure and include in or attach to the report as a part thereof a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of public funds to the credit of the officer making the statement. The officer shall, within sixty days after the close of the fiscal year, cause the statement or the complete audit report, which shall include all the information required for the statement herein provided for, to be published in full in the newspaper published in the county that has the largest bona fide circulation in the governmental unit or district for which the statement is published, and shall file a written or printed copy of the statement or audit report and a copy of the published statement or audit report, subscribed and sworn to, in the office of the county clerk of the county in which the officer holds office.

(2) The fiscal court of each county not containing a city of the first class shall cause to be published annually in the newspaper published in the county that has the largest bona fide circulation therein a statement showing the names of all persons returned by the sheriff on his return of tax warrants, and the amount due from each for the preceding year, with such other information as the fiscal court deems proper to be published, within thirty days after the return has been filed.

(3) All newspaper publications or advertisement required by this section and all newspaper publications or advertisements required by other laws shall be published in the

newspaper published in the county which has the largest bona fide circulation in the governmental unit or district for which the publication or advertisement is required. The publications or advertisements shall be made in the size of type provided by law and at the rate provided by law, and paid for out of the funds in the hands of the officer making the publication or advertisement. If no newspaper is published in the county, the officer charged with having the publication or advertisement made shall determine how same shall be made.

(4) Any public officer who fails, refuses or neglects to comply with the provisions of this section shall be fined not less than fifty nor more than five hundred dollars. The fine shall be paid into the treasury of the county, city or other governmental unit in which the convicted officer holds office.

S. B. No. 347. An Act establishing certain taxing districts under Section 157 of the Constitution of Kentucky, and authorizing the levy and collection of taxes by such districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That Fire Prevention Districts as provided for in Chapter 75 of the Kentucky Revised Statutes, Water Districts as provided for in Chapter 74 of the Kentucky Revised Statutes, and Sewer Districts as provided for in Chapter 94 of the Kentucky Revised Statutes, be and they hereby are established as taxing districts as contemplated by and provided for in Section 157 of the Constitution of Kentucky;

(2) Said taxing districts shall be and are hereby authorized to levy a tax not in excess of twenty-five cents on each one hundred dollars of the assessed valuation of all property located within the district which is subject to taxation for county purposes the first year a levy is made, and said taxing districts shall be and are hereby authorized thereafter to levy a tax in each succeeding year of not in excess of ten cents on each one hundred dollars of the assessed valuation

of all property located within the district which is subject to taxation for county purposes.

(3) The assessment of the valuation of property for county purposes as shown by the books of the County Tax Commissioner of the county or counties of which the taxing district is a part shall be used as the basis for the assessment of the tax provided for herein.

Ordered that said bill be printed and referred to the Committee on Rules.

Mr. John C. Watts moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

The Speaker delivered to the Chief Clerk the following communication, viz.:

March 17, 1948

Mr. Byron Royster
Chief Clerk
House of Representatives

Dear Mr. Royster:

As Chairman of the Rules Committee, I wish to report that at a second meeting of that Committee the following bills were approved and ordered to their first reading, in addition to those reported to you earlier in the day. This is your authority to record these bills in lieu of a committee report signed by a majority of the members and will take the place of individual committee reports.

Senate Bill	331
Senate Bill	347
Senate Bill	325

A majority of the Rules Committee today has also reported the following bills to be acted upon in the Orders of the Day. These are in addition to those reported to you after the first meeting today.

House Bill 492

Senate Bill 158

House Bill 490

Very truly yours,

T. Herbert Tinsley, Speaker.

Mr. John C. Watts moved that the rules be suspended for the purpose of allowing a report of Committee.

Said motion was agreed to by a majority of the members elected.

Thereupon, the Committee on Rules, to which the same had been referred, reported bills of the following titles, viz.:

S. B. No. 325. An Act relating to various things required to be published or advertised in newspapers; including provisions for the preparation, filing and publication of certain financial statements by public officers, the publication of information concerning persons returned by the sheriff on his return of tax warrants, and other provisions relating to newspaper publications or advertisements required by law.

S. B. No. 347. An Act establishing certain taxing districts under Section 157 of the Constitution of Kentucky, and authorizing the levy and collection of taxes by such districts.

S. B. No. 331. An Act relating to the administrative organization of the state government, with particular relation to the enumeration of the constitutional administrative departments; amending KRS 12.020.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills of the following titles, viz.:

H. B. No. 30. An Act relating to the practice of dental hygiene, amending and supplementing the present statutes relating thereto.

H. B. No. 44. An Act relating to appeals to Circuit Courts from Juvenile or County Courts of neglected and dependent children.

H. B. No. 67. An Act amending Section 311.210 of the Kentucky Revised Statutes, relating to optometrists and the practice of optometry.

H. B. No. 78. An Act relating to the appointment, duties and compensation of Official Shorthand Reporters for circuit courts.

H. B. No. 127. An Act relating to tuition charge for junior colleges in cities of the second class.

H. B. No. 141. An Act relating to reimbursement of automobile expenses of Constables and Deputy Constables in counties containing first class cities.

H. B. No. 144. An Act to repeal and re-enact Section 25.610 of the Kentucky Revised Statutes, relating to the civil jurisdiction of justices' courts.

H. B. No. 149. An Act imposing a penalty for certain sexual perversions, practices or misconduct.

H. B. No. 154. An Act relating to the certification of teachers.

H. B. No. 163. An Act providing for an advancement against compensation and expenses to county tax commissioners.

H. B. No. 164. An Act repealing Section 28.510 of the Kentucky Revised Statutes, 1946, and re-enacting in lieu thereof a similar section establishing a stenographer for police court in cities of first class.

H. B. No. 165. An Act to repeal Section 26.620 of the Kentucky Revised Statutes, 1946.

H. B. No. 215. An Act providing for payments from the proceeds of the sale of electrical energy, of water and of gas service by publicly owned light, water or gas plants to the boards of education of public school districts in which the property or properties of such publicly owned light, or water or gas plants may be located, and providing a method of determining the amount thereof.

H. B. No. 257. An Act relating to motor carriers, with particular reference to tax on passenger vehicles operated in the capacity of industrial busses.

H. B. No. 281. An Act relating to game and fish particularly to fishing licenses.

H. B. No. 282. An Act to prohibit the sale, purchase, barter, exchange or trade of wild rabbits; to prohibit the possession of wild rabbits for sale, barter, exchange or trade and to prohibit an attempt to sell, purchase, barter, exchange or trade wild rabbits.

H. B. No. 283. An Act relating to game and fish and the Division of Game and Fish.

H. B. No. 316. An Act relating to sick leave for teachers in the common schools.

H. B. No. 343. An Act to repeal, amend and re-enact Section 276.500 Kentucky Revised Statutes with respect to

limitations of prosecutions and actions by and against common carriers by rail or by water.

H. B. No. 357. An Act relating to revenue and taxation.

H. B. No. 359. An Act providing for the photographing, photostating, microphotographing, microfilming or filming of records and papers of the Governor, Lieutenant Governor or any state administrative department, agency, commission or institution or the principal officer thereof and authorizing the use of such reproductions for record and copies thereof as evidence.

H. B. No. 361. An Act relating to taxation of motor fuels other than gasoline and prescribing the purposes for which such tax may be expended, and amending KRS 138.360 and KRS 138.390.

H. B. No. 362. An Act to repeal, amend and re-enact Section 138.500 of the Kentucky Revised Statutes relating to revenue and taxation.

H. B. No. 371. An Act to repeal and re-enact Section 243.030 Kentucky Revised Statutes, 1946, relating to the fees of alcoholic beverage licenses.

H. B. No. 374. An Act relating to the establishment of flood control systems in cities of the fourth class, providing the manner in which such systems may be established and financed.

H. B. No. 411. An Act to amend Sections 241.160 and 241.170 of the Kentucky Revised Statutes, relating to the appointment and qualification of City Alcoholic Beverage Administrators.

H. B. No. 430. An Act to amend Section 69.070, Kentucky Revised Statutes, so as to provide an additional Assistant Commonwealth's Attorney in counties having a population of 200,000 or more.

H. B. No. 475. An Act relating to attorneys for executive or administrative departments, agencies, divisions and independent agencies of the Commonwealth of Kentucky.

H. B. No. 162. An Act relating to allowances to county tax commissioners for compensation of deputies.

H. B. No. 200. An Act relating to juries.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 492. An Act to provide for the control of rents for residential housing facilities in certain areas within the state; to establish and to authorize the establishment of rent control areas; to provide for the fixing of the maximum amount of rent that may be demanded or received for residential housing facilities within any rent control area.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DEFINITION OF TERMS.—As used in this act unless the context clearly requires otherwise:

(1) "Apartment" means any room or group of adjoining or connected rooms within any building which is occupied or intended to be occupied by one or more individuals as a residence, house, sleeping or lodging place together with all services, privileges, furnishings, furniture and facilities supplied in connection with the occupation thereof but the term shall not include rooms or space in any hotel, hospital, convent, monastery, asylum, public institution or college, college dormitory, dormitory operated by a non-profit corporation or organization or any residence on a farm which is occupied by any person engaged in the operation of said farm.

(2) "Building" means any building or structure, permanent or temporary, together with the land and buildings appurtenant thereto.

(3) "Rent" means consideration, including any bonus, benefit, gratuity, forced purchase of personal property, repairs or rehabilitation requirements or any payment for tenancy demanded or received for or in connection with the use of occupancy of any apartment or for the transfer of a lease of an apartment.

(4) "Tenancy" shall mean the occupancy or use by a tenant of real estate owned by a landlord under any agreement including tenancies for years, from year to year, from month to month, or from week to week and leases.

(5) "Floor area" means the entire space which is designed to be used as a floor, except that only one half of the space of a floor in any basement or attic room which is not ordinarily used as living quarters shall be deemed to be floor area.

(6) "Person" means an individual, corporation, partnership, association or any other organized group of indi-

viduals or the legal successor or representative of any of the foregoing.

(7) "Rent control area" means any area designated by or pursuant to this act as an area where abnormal conditions have resulted or threatened to result in an increase in the rents for housing accommodations inconsistent with the purposes of this act.

(8) "Landlord" means an owner, lessor, sub-lessor, assignee, or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations or an agent of any of the foregoing.

(9) "Tenant" means a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

Section 2. ACT APPLICABLE WHERE.—This act shall apply to the rental of all apartments located within any rent control area established hereby or pursuant hereto; except that this act shall not apply to apartments or buildings, the construction of which was completed after the first day of January, 1947.

(1) Each area within this state which has been established as a defense-rental area under any law of the United States and which is subject to rent control regulations promulgated under any federal law at the time this act becomes effective shall be deemed to be a rent control area subject to this act.

(2) Upon the petition of at least ten qualified voters in any county or city, the circuit court or circuit judge, or in counties having more than one circuit judge, the circuit court en banc, may order the establishment of rent control areas in addition to those hereby established or may extend the boundaries of any such area if it finds that abnormal conditions existing in any such area have resulted or threatened to result in increases in rents for housing accommodations within such area which are inconsistent with the purposes of this act. Upon a like petition the court or judge may abolish any rent control area or may diminish the boundaries of any such area, whenever it finds that the demand for residential housing facilities is not substantially in excess of available

housing facilities. The petitioners for any order under this subsection shall cause to be published in some newspaper of general circulation within the county in which the rent control area exists or is proposed, a public notice of the hearing on said petition not less than seven nor more than fifteen days before the date of said hearing. No petition for an order under this subsection shall be filed during the pendency of a petition for a similar order nor at any time within three months after the final disposition of any previous petition for a similar order. Any petition filed under this subsection shall be given precedence over all other cases pending in the court and shall be heard at the earliest possible date. Any proceeding or action in violation or prospective violation of this Act in any court for the possession of real estate in any rent control area or proposed rent control area which is pending at the time any petition under this section is filed or any such action thereafter filed shall not be tried or determined during the pendency of such petition and the circuit court shall have the power to restrain any further proceedings in any such proceeding or action.

Section 3. MAXIMUM RENT ALLOWABLE.—The maximum rent for any apartment which was rented or offered for rent prior to the effective date of this act within any rent control area within this state shall not exceed one hundred and fifteen per centum of the rent fixed for said apartment on the first day of January, 1947.

(2) The maximum rent for any apartment within any rent control area which was not rented or offered for rent prior to January 1, 1947, except a newly constructed or converted apartment completed and available for occupancy after January 1, 1947, shall not exceed ten per centum of the reasonable value thereof per annum, except that the actual cost of water, gas, electricity, maid or other service furnished in connection with any apartment may be added to the maximum rent hereby fixed but this exception shall not be construed to authorize the addition to such maximum rents of amounts expended for the repair, redecoration or maintenance of any apartment or building.

Section 4. VALUE OF APARTMENT DEFINED.—The reasonable value of any apartment shall be:

(1) Where the building is devoted exclusively to apartments, that portion of the reasonable value of the building which is equivalent to the ratio which the number of square feet of floor area within the apartment bears to the total number of square feet of floor space within all of the apartments in the building.

(2) Where the building is devoted in part to apartments which are rented and in part to other purposes, that portion of the reasonable value of the apartments devoted to residential housing in said building which is equivalent to the ratio which the number of square feet of floor area within the apartment bears to the total number of square feet of floor area within all of the residential apartments within the building. For the purposes of this provision, the reasonable value of the apartments devoted to residential housing shall be that portion of the reasonable value of the building which is equivalent to the ratio which the number of square feet of floor area within all of the residential housing apartments bear to the total number of square feet of floor area within the building.

Section 5. REASONABLE VALUE OF ANY BUILDING.—The reasonable value of any building in any rent control area shall be:

(1) the fair market value of such building to be determined as of the first day of January, 1947, if such building was capable of being used for residential housing purposes on said first day of January, 1947; or

(2) the actual cost of remodeling, converting and furnishing (if rental is based in part on furniture in the building) such building plus the fair market value of the real estate to be determined as of January 1, 1947, if the building has been remodeled, converted or furnished since the first day of January, 1947.

Section 6. COURT MAY FIX RENT—WHEN.—Upon the petition of any landlord or tenant the circuit court having jurisdiction of the premises may modify the maximum rent

fixed for any apartment by this act whenever it finds that because of unusual circumstances or conditions the rents fixed hereby are grossly inadequate or grossly excessive. Upon like petition the court may fix the maximum rent for any apartment within any rent control area which was not rented or offered for rent on January 1, 1947, in accordance with Section 4 of this act. In any such action both the landlord and tenant shall be necessary parties.

Section 7. ACTION BROUGHT—LANDLORD TO ESTABLISH REASONABLE VALUE.—In any action brought under this act where the reasonable value of any real estate shall be placed in issue, and where it shall be shown that the rent charged is in excess of that authorized for similar apartments in the same neighborhood, the burden of establishing such reasonable value shall be upon the landlord.

Section 8. LANDLORD AND TENANT—GUILTY OF MISDEMEANOR—WHEN—

(1) If any landlord shall wrongfully deprive a tenant of any electric, gas, water or garbage disposal or other service which is reasonably necessary to the enjoyment of the apartment or if the landlord shall create, permit, or suffer the creation of conditions which render the apartment uninhabitable he shall be deemed guilty of a misdemeanor.

(2) Any person who shall by any payment, or other consideration, or offer of payment or consideration in addition to the rent hereby authorized, induce or attempt to induce any landlord to terminate any existing tenancy subject to this act, shall be deemed guilty of a misdemeanor.

Section 9. LANDLORD LIABLE—WHEN.—Any landlord who shall demand or receive rent in excess of that authorized by this act for any tenancy shall be liable to the tenant for three times the amount of the overcharge or for twenty-five dollars, whichever is the greater amount, to be recovered by the tenant in an action before any court of competent jurisdiction. In any such action the landlord shall be liable for a reasonable attorney fee to be allowed by the court for the tenant. Before judgment is rendered fixing the maximum

rent for any apartment rented after January 1, 1947, under Section 7 of this Act, the landlord shall be liable only for the actual amount of any overcharge made prior to the date of such judgment.

Section 10. JUDGMENT IN FAVOR OF LANDLORD—WHEN.—No judgment for the possession of any premises subject to this act in favor of a landlord and against a tenant shall be rendered in any action unless it shall be shown (1) that six months written notice has been given to the person in possession, requiring him to remove; or (2) that the tenant has failed to pay the lawful rent for the premises; or (3) that the tenant or any member of his household or any invitee of the tenant has injured or damaged the property unreasonably and that the tenant has refused or failed to repair or restore the same; or (4) that the tenant is committing or permitting a nuisance, or has engaged in such conduct or permitted such conduct within the premises as to render the peaceful and quiet occupation and enjoyment of other parts of the building impracticable and has failed or refused to desist therein; or (5) that the tenant has used or permitted the use of the premises for any immoral or unlawful purposes; except that any bona fide owner of the premises who desires to use or occupy same for purposes other than rental to others shall be entitled to possession thereof after giving the tenant ninety days' written notice to quit and vacate same.

Section 11. ACT APPLICABLE ONLY TO RESIDENTIAL HOUSING PROPERTIES.—This act shall apply only to residential housing properties located in rent control areas established hereby or designated pursuant hereto.

Section 12. EFFECTIVE AND EXPIRATION DATES.—This act shall become effective at the expiration of the federal law relating to rent control, or shall be effective when the federal law permits state rent control regulation to supersede federal control.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Henry C. Hale	Joe E. Nunn
Sidney Baer	N. M. Hamilton	Harmon S. Overby
Levi Baker	James P. Haratty	J. H. Polsgrove
Bernhardt Bauer	Carson Hibbitts	Paul E. Shannon
C. E. Baumgardner	E. R. Hilton	Jesse H. Shelton
Fred Beshear	Ira W. Hulette	Chas. L. Spillman
Chas. J. Bronston	Kerby Jennings	Geo. W. Steinfeld
Mrs. Mary Burnett	Paul S. Jonas	John M. Stumbo
Chas. W. Burnley	J. Ernest Jones	Wilford S. Travis
A. H. Calvert	Ercel Kozee	W. J. Ward
Earl W. Christian	Harry K. Lowman	John C. Watts
George I. Cline	W. E. McClure	Lawrence Watts
Robert Collins	Davis Moore	Morris Weintraub
Perry M. Cross	Walter Moorman	Rodney Whitlow
Horace T. Cull	Fred H. Morgan	
Otto W. Goff	Thomas A. Noe, Jr.	—46

Those who voted in the negative were—

Jason Alford	C. D. Moberly	Glenn Rushing
Earl F. Ashcraft	Archie R. Moore	Dr. K. N. Salyer
Isaac M. Blevins	E. C. Mullins	D. B. Saylor
Paul Carter	H. C. Patterson	James J. Shannon
Everett T. Cooper	L. W. Preston	James S. Shaw
B. G. Davidson	Hobart Rayburn	Harry Smith
C. J. Holsclaw	Ottis Roberts	G. C. Thornton
Clyde S. Howard	F. L. Robinson	Charles W. Wirsch
F. G. Marquette	Lilburn S. Rogers	
E. H. Martin	Amos Runyan	—28

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined

and found to be correctly enrolled bills of the following titles, viz.:

S. B. No. 11. An Act authorizing retirement and disability plans for employes of cities, counties and their agencies.

S. B. No. 34. An Act relating to nonprofit, nonstock corporations.

S. B. No. 71. An Act concerning sinking funds in cities of the first class.

S. B. No. 89. An Act relating to redevelopment corporations in cities of the second class, and the clearing, re-planning, rehabilitating and reconstruction of substandard, insanitary, slum and blighted areas in such cities, through such corporations and by other means.

S. B. No. 90. An Act relating to Jury Commissioners and amending Section 29.050 of the Kentucky Revised Statutes.

S. B. No. 133. An Act amending Subsection (1) and Subsection (6) of Section 403.090 of the Kentucky Revised Statutes.

S. B. No. 182. An Act repealing, amending and re-enacting Section 28.300 of the Kentucky Revised Statutes relating to the number and compensation of deputies of Circuit Court Clerks and County Court Clerks in counties containing a population of 75,000 or more.

S. B. No. 195. An Act relating to the payment of state checks, clearance of outdated state checks from the treasurer's records and providing for the payment of outdated checks.

S. B. No. 244. An Act relating to the appointment, duties and compensation of deputy coroners and stenographers for coroners; amending sections 72.130 and 72.140 of the Kentucky Revised Statutes.

S. B. No. 256. An Act relating to prosecuting attorney of the police court in cities of the first class.

S. B. No. 166. An Act relating to adequate sewer and drainage facilities in cities of the first class and in counties containing such cities.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 70. A Joint Resolution providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the distribution of the money so appropriated; and declaring an emergency.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is appropriated out of the Legislative Session Fund a sufficient sum of money to enable the payment of extra compensation, at the rate of \$2 per day each, during the period of the present session of the General Assembly, to Noel Jones, custodian, James B. West, mail operator, Robert Crews, utility, Mrs. Ottie Scott, matron, Kelly Gilbert, elevator operator, Adrian Sluscher, elevator operator, James

Weber, guard, Sam Penn, electrician, Ernest Wright, mimeographer, for services beyond the line of duty, in the operation and maintenance of the State Capitol and its various facilities, made necessary by reason of the presence of an abnormal number of persons in the State Capitol, and at abnormal hours, during the present legislative session.

§ 2. The Chief Clerk of the House of Representatives shall requisition, and the Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of said Chief Clerk for, the sum hereby appropriated. The Chief Clerk shall forthwith distribute said sum in the manner contemplated by this Resolution.

§ 3. Whereas, the General Assembly will within a short time adjourn and the officers and employes will depart for various sections of the state, an emergency is declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. J. Bronston	B. G. Davidson
Jason Alford	Mrs. Mary Burnett	G. I. Drury
Roy W. Arnold	Chas. W. Burnley	Kermit Dwyer
Earl F. Ashcraft	A. H. Calvert	Henry J. Giles
Sidney Baer	Paul Carter	Otto W. Goff
Levi Baker	Earl W. Christian	N. M. Hamilton
C. E. Baumgardner	George I. Cline	James P. Hanratty
Fred Beshear	Everett T. Cooper	Carson Hibbitts
Isaac M. Blevins	Perry M. Cross	C. J. Holsclaw

Clyde S. Howard	E. C. Mullins	James J. Shannon
M. G. Howard	Thomas A. Noe, Jr.	Paul E. Shannon
Ira W. Hulette	Joe E. Nunn	James S. Shaw
Laban P. Jackson	Harmon S. Overby	Jesse H. Shelton
Kerby Jennings	H. M. Pewitt	Harry Smith
L. H. Jones	J. H. Polsgrove	Chas. L. Spillman
Ercel Kozee	E. F. Prichard	John M. Stumbo
Harry K. Lowman	Hobart Rayburn	G. C. Thornton
W. E. McClure	Ottis Roberts	W. R. Tipton
F. G. Marquette	F. L. Robinson	Wilford S. Travis
C. D. Moberly	Lilburn S. Rogers	John C. Watts
Davis Moore	Amos Runyan	Lawrence Watts
Walter Moorman	Glenn Rushing	Rodney Whitlow
Fred H. Morgan	Dr. K. N. Salyer	G. F. Williamson

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Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 71. A Joint Resolution authorizing W. W. Owen, Jr., of Daviess County, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That W. W. Owen, Jr., of Daviess County, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Daviess Circuit Court for damages resulting from damage to his crops during the years 1946 and 1947, grown on his farm in Daviess County, Kentucky, and for loss if use of his farm land during the year 1947.

Said alleged damage was caused by alleged negligence of the Commonwealth of Kentucky, through its Department

of Highways, in failing to construct or cause to be constructed certain drainage ditches paralleling Kentucky State Highway No. 71, so that water is caused to back upon the lands of the said W. W. Owen, Jr., which results in damages to his crops.

Said suit shall be for a sum not in excess of \$3,600.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the Jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the Jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	Earl W. Christian
Jason Alford	Isaac M. Blevins	George I. Cline
Roy W. Arnold	Chas. J. Bronston	Everett T. Cooper
Earl F. Ashcraft	Mrs. Mary Burnett	Perry M. Cross
Sidney Baer	Chas. W. Burnley	B. G. Davidson
Levi Baker	A. H. Calvert	G. I. Drury
C. E. Baumgardner	Paul Carter	Kermit Dwyer

Henry J. Giles	C. D. Moberly	Glenn Rushing
Otto W. Goff	Davis Moore	Dr. K. N. Salyer
N. M. Hamilton	Walter Moorman	James J. Shannon
James P. Hanratty	Fred H. Morgan	Paul E. Shannon
Carson Hibbitts	E. C. Mullins	James S. Shaw
C. J. Holsclaw	Thomas A. Noe, Jr.	Jesse H. Shelton
Clyde S. Howard	Joe E. Nunn	Harry Smith
M. G. Howard	Harmon S. Overby	Chas. L. Spillman
Ira W. Hulette	H. M. Pewitt	John M. Stumbo
Laban P. Jackson	J. H. Polsgrove	G. C. Thornton
Kerby Jennings	E. F. Prichard	W. R. Tipton
L. H. Jones	Hobart Rayburn	Wilford S. Travis
Ercel Kozee	Ottis Roberts	John C. Watts
Harry K. Lowman	F. L. Robinson	Lawrence Watts
W. E. McClure	Lilburn S. Rogers	Rodney Whitlow
F. G. Marquette	Amos Runyan	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 12. A Resolution authorizing V. H. McDaniell to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. V. H. McDaniel, of Franklin County, Kentucky, be and he is hereby authorized to sue the Commonwealth of Kentucky in the Circuit Court of Franklin County, Kentucky, in an amount not exceeding One Thousand Dollars (\$1,000.00) for damages sustained by him when an escaped convict. Alba

McCormick, stole his Dodge Pick-up Truck, 1941 Model from his farm in Franklin County, Kentucky, and wrecked the same in an escape effort.

2. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the general fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

3. In event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

4. No statement in this Resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth or any of its officers, and this Resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Isaac M. Blevins	Everett T. Cooper
Jason Alford	Chas. J. Bronston	Perry M. Cross
Roy W. Arnold	Mrs. Mary Burnett	B. G. Davidson
Earl F. Ashcraft	Chas. W. Burnley	G. I. Drury
Sidney Baer	A. H. Calvert	Kermit Dwyer
Levi Baker	Paul Carter	Henry J. Giles
C. E. Baumgardner	Earl W. Christian	Otto W. Goff
Fred Beshear	George I. Cline	N. M. Hamilton

James P. Hanratty	Walter Moorman	Dr. K. N. Salyer
Carson Hibbitts	Fred H. Morgan	James J. Shannon
C. J. Holsclaw	E. C. Mullins	Paul E. Shannon
Clyde S. Howard	Thomas A. Noe, Jr.	James S. Shaw
M. G. Howard	Joe E. Nunn	Jesse H. Shelton
Ira W. Hulette	Harmon S. Overby	Harry Smith
Laban P. Jackson	H. M. Pewitt	Chas. L. Spillman
Kerby Jennings	J. H. Polsgrove	John M. Stumbo
L. H. Jones	E. F. Prichard	G. C. Thornton
Ercel Kozee	Hobart Rayburn	W. R. Tipton
Harry K. Lowman	Ottis Roberts	Wilford S. Travis
W. E. McClure	F. L. Robinson	John C. Watts
F. G. Marquette	Lilburn S. Rogers	Lawrence Watts
C. D. Moberly	Amos Runyan	Rodney Whitlow
Davis Moore	Glenn Rushing	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 17. A Joint Resolution authorizing W. B. Tatum to file suit against the Commonwealth of Kentucky, the Department of Highways and the Highway Patrol, or any one or more of them.

Said resolution is as follows, viz.:

Whereas, on January 16, 1947, while W. B. Tatum was operating his car westwardly on U. S. Highway 60 at a point approximately one mile East of St. Matthews, Kentucky, in Jefferson County, the car of the Highway Patrol then and there being operated by Patrolman John O'Bryan, an employee of the Highway Patrol and the Department of High-

ways and on the business of the said Highway Patrol and Department of Highways, was then and there operated in such a negligent and careless manner as to cause it to go from the East traffic lanes into the West traffic lane, wherein W. B. Tatum was driving, and run into the car of said W. B. Tatum, thereby damaging the automobile of W. B. Tatum and severely injuring him.

Whereas, his injuries and damages are of an amount greater than \$1,000.00 and, therefore, his claim is not one that can be properly brought before the Board of Claims as is provided for in KRS 176.290.

Now, in order that W. B. Tatum may have his day in court to determine by judicial action the question of negligence, if any, causing said property damage and injuries aforesaid,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That W. B. Tatum, of Louisville, Jefferson County, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Jefferson Circuit Court for damages resulting from personal injuries, medical expense, lost time and damage to his car caused by alleged negligence on the part of employees of the Commonwealth of Kentucky while said employees were in line of duty as agents of the Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable.

Any amount, recovered in said suit or by settlement with the Attorney General, shall be paid out of the Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

The statute of limitations shall not begin to run in favor of the Commonwealth of Kentucky until this act becomes effective.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	J. P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 18. Joint Resolution authorizing a suit against the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That C. Hays Foster, Lalla N. Foster and Jane M. Foster jointly are authorized to sue the Commonwealth of Kentucky in the Circuit Court of Lincoln County in an amount not exceed Seven Thousand, Five Hundred (\$7,500.00) Dollars for damages caused by the unlawful acts of Sherman Goodpaster, Director of the Division of Insurance, and his agents and employees.

2. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim or after suit is filed thereon if he deems it advisable. Any amount recovered in such a suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

3. In the event suit is filed and judgment rendered by the circuit court, either party shall have the right to appeal to the Court of Appeals of Kentucky.

4. Nothing contained in this resolution shall be construed as an admission of liability on the part of the Commonwealth,

nor shall this resolution be introduced in evidence nor commented upon by counsel upon the trial.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 25. Joint Resolution authorizing the removal of an unrealized account carried on the account records of the Department of Finance and the Department of the Treasury.

Said resolution is as follows, viz.:

That, Whereas, the Department of Finance and the Department of the Treasury are carrying an amount of \$6,562.40 on their account records as a "Cash In Closed Bank" item, and

Whereas, this amount represents an unrealized balance of a deposit with the Peoples Bank of Louisville, Kentucky, and

Whereas, a judgment has been entered in the Jefferson Circuit Court, Chancery Branch, First Division, Case No. 278-242, on October 12, 1943, representing final liquidation by the Department of Banking of the Peoples Bank of Louisville, and

Whereas, there being no further assets for realization of the balance carried on the records of the Department of Finance and the Department of the Treasury,

Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That, the Commissioner of Finance and the Treasurer are hereby authorized to cancel out and remove from their

account records the balance of \$6,562.40, item of "Cash In Closed Bank".

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbits	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 38. A Joint Resolution directing the Division of Parks to pay to John Stanley of Danville, Ky., certain compensation to which he is entitled for services as custodian of the Weisiger Memorial State Park and the Ephraim McDowell Home.

Said resolution is as follows, viz.:

Whereas, between July, 1944, and the present date, John Stanley of Danville, Kentucky, has performed custodial services at the J. G. Weisiger Memorial State Park and the Ephraim McDowell Home, under employment with the Division of Parks and under an agreement that he would be compensated for the value of his services; and

Whereas, notwithstanding that the said John Stanley, prior to February 1, 1948, has rendered services to the value of \$500, the Division of Parks has failed and neglected to compensate him as agreed;

Now, Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Division of Parks is hereby directed and required to pay to John Stanley of Danville, Kentucky, out of such sums as have been appropriated to such division for ordinary recurring expenses of operation, the sum of \$500 for services rendered by the said John Stanley between July, 1944, and February 1, 1948, as custodian of the J. G. Weisiger Memorial State Park and the Ephraim McDowell Home.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

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Resolved that the title thereof be as aforesaid

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 42. A Joint Resolution authorizing Anderson Hayes to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Anderson Hays of Perry County, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky in the Perry Circuit Court for damages resulting from personal injury to the said Anderson Hays caused by alleged negligence on the part of employees of the Commonwealth of Kentucky and the Department of Highways of Kentucky, resulting in injury to the said Anderson Hays while walking along the Highway in Perry County, Kentucky.

Said suit shall not be for a sum in excess of \$5,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate said claim against the Commonwealth and the Department of Highways, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the highway fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon

the part of the Commonwealth or its Department of Highways and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 49. A Joint Resolution providing for payment of ministers of the churches of Frankfort, Ky., for performing the duties of chaplain of the General Assembly.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sum of Twelve Hundred Dollars (\$1200.00) is hereby appropriated out of the Legislative Session Fund, One Hundred and Fifty Dollars (\$150.00) of which is to be paid to each of the following named ministers of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly:

Paul S. Stauffer, Will B. Campbell, Charles W. Owens, Fred T. Moffatt, O. L. Gilmore, Joseph A. O'Dwyer, E. W. Baxter, and William P. Wilhoyte.

Section 2. That the Chief Clerk of the House shall certify this Resolution to the Commissioner of Finance, who shall draw his warrant upon the State Treasurer for the amounts above designated and the State Treasurer shall pay the same.

Whereas, all employees of the General Assembly have been promptly paid for their services, and said ministers have been faithful in attending as chaplain, and are also entitled to prompt payment, an emergency is hereby declared to exist and this Resolution shall take effect from and after its passage and approval by the Governor.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Bronston, Chas. J.	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 46. Joint Resolution of the General Assembly of the Commonwealth of Kentucky, authorizing Scott T. Graves, of Franklin County, to sue the Commonwealth of Kentucky for an amount not to exceed \$20,000.00.

Said resolution is as follows, viz.:

Whereas, on April 10, 1947, Scott T. Graves was negligently and wrongfully shot and seriously wounded by a member of the Kentucky Highway Patrol in the apparent scope of his authority while said Scott T. Graves was at his home in Franklin County, and

Whereas, said shooting and wounding resulted in the hospitalization of said Scott T. Graves for a long period of time and in very great pain and suffering to him, and

Whereas, the publicity resulting from said wrongful shooting and wounding greatly impaired the earning power of said Scott T. Graves, and

Whereas, said Scott T. Graves sustained permanent injuries as the result of said shooting,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) That said Scott T. Graves be and he is hereby authorized to sue the Commonwealth of Kentucky in either the Scott Circuit Court or the Franklin Circuit Court for such damage as he may have sustained, if any, by reason of negligent and wrongful shooting and wounding of said Scott T. Graves on April 10, 1947, by a member of the Kentucky Highway Patrol while in the apparent scope of his authority, and in the event judgment is recovered by Scott T. Graves it shall be paid by warrant drawn by the Commissioner of

Finance upon the State Treasurer against the general fund of the Commonwealth and by check of the Treasurer of the Commonwealth of Kentucky against said fund.

(2) Either party may appeal from any judgment that may be entered at a trial of this action as in any other civil suit, and said suit may be settled with the approval of the Attorney General of the Commonwealth of Kentucky as in any other civil suit.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Kermit	Fred H. Morgan
Jason Alford	Henry J. Giles	E. C. Mullins
Roy W. Arnold	Otto W. Goff	Thomas A. Noe, Jr.
Earl F. Ashcraft	N. M. Hamilton	Joe E. Nunn
Sidney Baer	James P. Hanratty	Harmon S. Overby
Levi Baker	Carson Hibbitts	H. M. Pewitt
C. E. Baumgardner	C. J. Holsclaw	J. H. Polsgrove
Fred Beshear	Clyde S. Howard	E. F. Prichard
Isaac M. Blevins	M. G. Howard	Hobart Rayburn
Chas. J. Bronston	Ira W. Hulette	Ottis Roberts
Mrs. Mary Burnett	Laban P. Jackson	F. L. Robinson
Chas. W. Burnley	Kerby Jennings	Lilburn S. Rogers
A. H. Calvert	L. H. Jones	Amos Runyan
Paul Carter	Ercel Kozee	Glenn Rushing
Earl W. Christian	Harry K. Lowman	Dr. K. N. Salyer
George I. Cline	W. E. McClure	James J. Shannon
Everett T. Cooper	F. G. Marquette	Paul E. Shannon
Perry M. Cross	C. D. Moberly	James S. Shaw
B. G. Davidson	Davis Moore	Jesse H. Shelton
G. I. Drury	Walter Moorman	Harry Smith

Chas. L. Spillman	W. R. Tipton	Lawrence Watts
John M. Stumbo	Wilford S. Travis	Rodney Whitlow
G. C. Thornton	John C. Watts	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 60. A Joint Resolution authorizing the payment of a sum of money to Mary B. Hale of Christian County, Ky., and making an appropriation for that purpose.

Said resolution is as follows, viz.:

Whereas on September 19, 1947, one Garland Hale while serving in the employ of the Department of Welfare of Kentucky as an attendant in the Western State Hospital, was attacked, struck and beaten by an inmate of said hospital, as a result of which the said Garland Hale died within twenty-four hours; and

Whereas the circumstances surrounding the death of the said Garland Hale was such as to impose a moral obligation upon the Commonwealth to compensate his widow for damages for wrongful death and to provide her with funds which to pay the funeral expenses of the said Garland Hale:

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the General Expenditure Fund in the State Treasury, the sum of \$1,000,

for the purpose of compensating Mrs. Mary B. Hale for the wrongful death of her late husband, Garland Hale, for which death the Commonwealth is morally responsible, and to reimburse the said Mary B. Hale for the funeral expenses of the said Garland Hale.

The Commissioner of Finance is hereby authorized and directed to draw his warrant upon the State Treasurer in favor of the said Mary B. Hale of Christian County, Kentucky, in the amount of \$1,000, and upon presentation of said warrant the State Treasurer is authorized and directed to pay the same.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Perry M. Cross	Harry K. Lowman
Jason Alford	B. G. Davidson	W. E. McClure
Roy W. Arnold	G. I. Drury	F. G. Marquette
Earl F. Ashcraft	Kermit Dwyer	C. D. Moberly
Sidney Baer	Henry J. Giles	Davis Moore
Levi Baker	Otto W. Goff	Walter Moorman
C. E. Baumgardner	N. M. Hamilton	Fred H. Morgan
Fred Beshear	J. P. Hanratty	E. C. Mullins
Isaac M. Blevins	Carson Hibbitts	Thomas A. Noe, Jr.
Chas. J. Bronston	C. J. Holsclaw	Joe E. Nunn
Mrs. Mary Burnett	Clyde S. Howard	Harmon S. Overby
Chas. W. Burnley	M. G. Howard	H. M. Pewitt
A. H. Calvert	Ira W. Hulette	J. H. Polsgrove
Paul Carter	Laban P. Jackson	E. F. Prichard
Earl W. Christian	Kerby Jennings	Hobart Rayburn
George I. Cline	L. H. Jones	Ottis Roberts
Everett T. Cooper	Ercel Kozee	F. L. Robinson

Lilburn S. Rogers	James S. Shaw	W. R. Tipton
Amos Runyan	Jesse H. Shelton	Wilford S. Travis
Glenn Rushing	Harry Smith	John C. Watts
Dr. K. N. Salyer	Chas. L. Spillman	Lawrence Watts
James J. Shannon	John M. Stumbo	Rodney Whitlow
Paul E. Shannon	G. C. Thornton	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 61. Joint Resolution ratifying the proposed amendment to the Constitution of the United States.

Said resolution is as follows, viz.:

Whereas, the Eightieth Congress of the United States of America, at the first session did adopt a Joint Resolution proposing the following Amendment to the Constitution of the United States, and which was deposited with the Department of State, United States of America, on March 24, 1947, and a copy of which, signed by the Speaker of the House of Representatives and the Acting President of the Senate Pro-Tem, United States of America, was duly certified to the Governor of this Commonwealth, and which is, in words and figures, as follows:

“Joint Resolution proposing an Amendment to the Constitution of the United States relating to the terms of office of the President.

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein) that;

“The following Article is hereby proposed as an Amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution, when ratified by the legislatures of three-fourths of the several states:

“ARTICLE

“Section 1: No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President for more than two years of a term to which some other person was elected President, shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of the President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

“Section 2. This Article shall be inoperative unless it shall have been ratified as an Amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the States by the Congress.”

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the foregoing and above recited Amendment to the Constitution of the United States of America be, and the same is, hereby ratified by the General Assembly of the Commonwealth of Kentucky, as an Amendment to the Constitution of the United States.

2. That the Governor of the Commonwealth of Kentucky forthwith forward to the Secretary of State of the United States an authenticated copy of the foregoing Joint Resolution.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 62. A Joint Resolution authorizing payment of the claim of A. R. Pollock, sheriff of McLean County, for services rendered in the return of a fugitive from justice, and making an appropriation for the purpose.

Said resolution is as follows, viz.:

Whereas, A. R. Pollock, sheriff of McLean County, rendered services for the Commonwealth in returning to McLean County, from the City of Tulsa, Oklahoma, two fugitives from justice who were duly indicted at the March, 1947, term of the McLean circuit court, and in so doing incurred expenses in the amount of \$102.39; and

Whereas, through oversight and inadvertence, no requisition from the Governor was secured for the return of said fugitives, by reason of which the statutes prevent payment of said claim, notwithstanding that said claim was just and proper;

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of \$102.39 for the purpose of paying the claim of A. R. Pollock, sheriff of McLean County, Kentucky for expenses incurred in returning certain fugitives from justice who were indicted at the March, 1947, term of the McLean circuit court. The Commissioner of Finance is authorized and directed to issue his warrant upon the State Treasurer in favor of the said A. R. Pollock in the amount of \$102.39, and upon receipt of the warrant the State Treasurer is authorized and directed to pay the same.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said

resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 63. A Joint Resolution authorizing Frank E. Moore, of Frankfort, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, Frank E. Moore, of Frankfort, Kentucky, was injured while in the performance of his duties as an employe of the Commonwealth of Kentucky, at the State Capitol Power Plant, by reason of a hazard to which he was necessarily exposed by virtue of the nature of his employment; and

Whereas, the circumstances surrounding the injury to the said Frank E. Moore were such as to impose a moral obligation upon the Commonwealth for damages;

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Frank E. Moore, of Frankfort, Kentucky, is authorized to sue the Commonwealth of Kentucky, in the Franklin Circuit Court for injuries arising out of and in the course of his employment as an employe of the Commonwealth, for which damages the Commonwealth is morally responsible. Said suit shall be for a sum not in excess of \$5,000.00.

The Attorney General may investigate the claim and may settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

The General Assembly hereby expressly recognizes the moral responsibility of the Commonwealth for damages for the personal injuries suffered by said Frank E. Moore, and

in any suit that may be filed under authority of this Resolution the jury shall have authority only to fix the amount of such damages.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 64. A Joint Resolution authorizing Mrs. Martha Howard and Ella Howard of Magoffin County, Ky., to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Mrs. Martha Howard and Ella Howard are each authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, in the Magoffin Circuit Court, for damages resulting from personal injuries and medical expenses, caused by alleged negligence on the part of an employe of the Department of Highways and the Commonwealth of Kentucky, while said employe was in the line of duty.

The suit of the said Mrs. Martha Howard shall be for a sum not in excess of \$7,000, and the suit of the said Ella Howard shall be for a sum not in excess of \$7,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claims herein and settle same before or after suit is filed, if he deems it advisable.

Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Kermit Dwyer	Fred H. Morgan
Jason Alford	Henry J. Giles	E. C. Mullins
Roy W. Arnold	Otto W. Goff	Thomas A. Noe, Jr.
Earl F. Ashcraft	N. M. Hamilton	Joe E. Nunn
Sidney Baer	James P. Hanratty	Harmon S. Overby
Levi Baker	Carson Hibbitts	H. M. Pewitt
C. E. Baumgardner	C. J. Holsclaw	J. H. Polsgrove
Fred Beshear	Clyde S. Howard	E. F. Prichard
Isaac M. Blevins	M. G. Howard	Hobart Rayburn
Chas. J. Bronston	Ira W. Hulette	Ottis Roberts
Mrs. Mary Burnett	Laban P. Jackson	F. L. Robinson
Chas. W. Burnley	Kerby Jennings	Lilburn S. Rogers
A. H. Calvert	L. H. Jones	Amos Runyan
Paul Carter	Ercel Kozee	Glenn Rushing
Earl W. Christian	Harry K. Lowman	Dr. K. N. Sayler
George I. Cline	W. E. McClure	James J. Shannon
Everett T. Cooper	F. G. Marquette	Paul E. Shannon
Perry M. Cross	C. D. Moberly	James S. Shaw
B. G. Davidson	Davis Moore	Jesse H. Shelton
G. I. Drury	Walter Moorman	Harry Smith

Chas. L. Spillman	W. R. Tipton	Lawrence Watts
John M. Stumbo	Wilford S. Travis	Rodney Whitlow
G. C. Thornton	John C. Watts	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 68. A Joint Resolution authorizing the payment of the claim of Clarence Miller for expenses incurred as Commissioner of Finance of the Commonwealth of Kentucky and appropriating the necessary sum to pay said claim out of the General Fund.

Said resolution is as follows, viz.:

Whereas Clarence Miller as Commissioner of Finance did employ counsel to represent him in certain actions pending against him in the Franklin Circuit Court being Actions Nos. 33842 and 33842 therein; and

Whereas said Clarence Miller, Commissioner of Finance, thereby incurred a liability in the amount of One Thousand, Five Hundred, Fifty-three (\$1,553.43) Dollars and Forty-three Cents as necessary attorney fees and costs in said action:

Now, Therefore—

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the General Fund the sum of One Thousand, Five Hundred, Fifty-three (\$1,553.43) Dollars and Forty-three Cents for the purpose of

paying the claim of Clarence Miller for expenses of attorney fees and court costs necessarily incurred by him in the defense in Actions Nos. 33842 and 33843 on the docket of the Franklin Circuit Court, and which claim is identified by the title of this resolution, and said contract of employment entered into on the — day of —, 19—, is approved, and the Department of Finance is directed to draw its warrant upon the State Treasurer in favor of said Clarence Miller for said sum of One Thousand, Five Hundred, Fifty-three (\$1,553.43) Dollars and Forty-three Cents, and the State Treasurer is directed to honor said warrant and issue its check to said Clarence Miller for said sum of One Thousand, Five Hundred, Fifty-three (\$1,553.43) Dollars and Forty-three Cents payable out of the General Fund.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Earl W. Christian	M. G. Howard
Jason Alford	George I. Cline	Ira W. Hulette
Roy W. Arnold	Everett T. Cooper	Laban P. Jackson
Earl F. Ashcraft	Perry M. Cross	Kerby Jennings
Sidney Baer	B. G. Davidson	L. H. Jones
Levi Baker	G. I. Drury	Ercel Kozee
C. E. Baumgardner	Kermit Dwyer	Harry K. Lowman
Fred Beshear	Henry J. Giles	W. E. McClure
Isaac M. Blevins	Otto W. Goff	F. G. Marquette
Chas. J. Bronston	N. M. Hamilton	C. D. Moberly
Mrs. Mary Burnett	James P. Hanratty	Davis Moore
Chas. W. Burnley	Carson Hibbitts	Walter Moorman
A. H. Calvert	C. J. Holsclaw	Fred H. Morgan
Paul Carter	Clyde S. Howard	E. C. Mullins

Thomas A. Noe, Jr.	Lilburn S. Rogers	Chas. L. Spillman
Joe E. Nunn	Amos Runyan	John M. Stumbo
Harmon S. Overby	Glenn Rushing	G. C. Thornton
H. M. Pewitt	Dr. K. N. Salyer	W. R. Tipton
J. H. Polsgrove	James J. Shannon	Wilford S. Travis
E. F. Prichard	Paul E. Shannon	John C. Watts
Hobart Rayburn	James S. Shaw	Lawrence Watts
Ottis Roberts	Jesse H. Shelton	Rodney Whitlow
F. L. Robinson	Harry Smith	G. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 44. A Joint Resolution authorizing Anderson Hays to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Anderson Hays of Perry County, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky in the Perry Circuit Court for damages resulting from personal injury to the said Anderson Hays caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky and the Department of Highways of Kentucky, resulting in injury to the said Anderson Hays while walking along the Highway in Perry County, Kentucky.

Said suit shall not be for a sum in excess of \$5,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate said claim against the Commonwealth and the Department of Highways, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth or its Department of Highways and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. W. Burnley	Otto W. Goff
Jason Alford	A. H. Calvert	N. M. Hamilton
Roy W. Arnold	Paul Carter	James P. Hanratty
Earl F. Ashcraft	Earl W. Christian	Carson Hibbits
Sidney Baer	George I. Cline	C. J. Holsclaw
Levi Baker	Everett T. Cooper	Clyde S. Howard
C. E. Baumgardner	Perry M. Cross	M. G. Howard
Fred Beshear	B. G. Davidson	Ira W. Hulette
Isaac M. Blevins	G. I. Drury	Laban P. Jackson
Chas. J. Bronston	Kermit Dwyer	Kerby Jennings
Mrs. Mary Burnett	Henry J. Giles	L. H. Jones

Ercel Kozee	H. M. Pewitt	James S. Shaw
Harry K. Lowman	J. H. Polsgrove	Jesse H. Shelton
W. E. McClure	E. F. Prichard	Harry Smith
F. G. Marquette	Hobart Rayburn	Chas. L. Spillman
C. D. Moberly	Ottis Roberts	John M. Stumbo
Davis Moore	F. L. Robinson	G. C. Thornton
Walter Moorman	Lilburn S. Rogers	W. R. Tipton
Fred H. Morgan	Amos Runyan	Wilford S. Travis
E. C. Mullins	Glenn Rushing	John C. Watts
Thomas A. Noe, Jr.	Dr. K. N. Salyer	Lawrence Watts
Joe E. Nunn	James J. Shannon	Rodney Whitlow
Harmon S. Overby	Paul E. Shannon	G. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 60. A Joint Resolution authorizing Charles Henderson, of Lexington, Fayette County, Ky., as parent, natural guardian and next friend for and on behalf of Patricia Ann Henderson, an infant under fourteen (14) years of age, to sue the Commonwealth of Kentucky and the Board of Education of the City of Lexington, Ky., or either.

Said resolution is as follows, viz.:

Whereas, on the 21st day of November, 1947, while the said Patricia Ann Henderson was a student and attending the Booker T. Washington school; said school being one of the public schools of the City of Lexington school systems and under control of and operated by the said Board of Education of the City of Lexington, Kentucky; the said Patricia Ann Henderson sustained numerous bodily burns and injuries to her person as a result of her clothing becoming ignited by

a stove used in said school, with the result that the said Patricia Ann Henderson was permanently injured, and,

Whereas, it appears that the Commonwealth of Kentucky and the Board of Education of the City of Lexington, Kentucky, or either of them, may be responsible for damages as a result of said injuries and burns.

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Charles Henderson, as parent, guardian and next friend of Patricia Ann Henderson, sue the Commonwealth of Kentucky and the Board of Education of the City of Lexington, Kentucky, or either, in the Fayette Circuit Court, for damages to the person of the said Patricia Ann Henderson, caused as a result of the negligence on the part of the Commonwealth of Kentucky and the Board of Education of the City of Lexington, Kentucky, or either, as herein set out.

2. The suit shall be for a sum not in excess of Fifteen Thousand (\$15,000.00) Dollars.

3. The Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

4. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this resolution shall be considered by either the Court or a Jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Board of Education of the City of Lexington, Kentucky, or either, and this resolution shall not be introduced as evidence or commented upon by counsel in arguments to the Jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 59. A Joint Resolution authorizing Charles R. Hagerman, of Ohio County, Ky., to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz.:

Whereas, on the 13th day of September, 1946, while Charles R. Hagerman was operating his vehicle upon a public highway in Ohio County, Kentucky, at or about two and one-half miles East of Hartford on the Hartford-Dundee State Highway No. 69, a collision occurred between said vehicle and a vehicle belonging to the Commonwealth of Kentucky and assigned to the Department of Highways, with the result that Charles R. Hagerman was severely and permanently injured and his vehicle was damaged, all in the total amount of Sixteen Thousand (\$16,000.00) Dollars, and

Whereas, it appears that the Commonwealth of Kentucky and the Department of Highways, or either, acting by and through their agent, servant and employee, who was then and there acting within the scope of his authority, may be responsible for damages,

Now, therefore—

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Charles R. Hagerman, of Ohio County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Ohio Circuit Court for damages to his person and to his vehicle resulting from the collision caused by the negligence on the part of the Commonwealth of Kentucky and the Department of Highways, or either, acting through its agent, servant and employee, who was then and there acting within the scope of his authority, as herein set out.

2. The suit shall be for a sum not in excess of Sixteen Thousand (\$16,000.00) Dollars.

3. The Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this resolution shall be considered by either the court or jury as an admission of neglect upon the part of the Commonwealth or the Department of Highways, or either, and this resolution shall not be introduced as evidence or commented upon by counsel in arguments to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. J. Bronston	B. G. Davidson
Jason Alford	Mrs. Mary Burnett	G. I. Drury
Roy W. Arnold	Chas. W. Burnley	Kermit Dwyer
Earl F. Ashcraft	A. H. Calvert	Henry J. Giles
Sidney Baer	Paul Carter	Otto W. Goff
Levi Baker	Earl W. Christian	N. M. Hamilton
C. E. Baumgardner	George I. Cline	James P. Hanratty
Fred Beshear	Everett T. Cooper	Carson Hibbitts
Isaac M. Blevins	Perry M. Cross	C. J. Holsclaw

Clyde S. Howard	E. C. Mullins	James J. Shannon
M. G. Howard	Thomas A. Noe, Jr.	Paul E. Shannon
Ira W. Hulette	Joe E. Nunn	James S. Shaw
Laban P. Jackson	Harmon S. Overby	Jesse H. Shelton
Kerby Jennings	H. M. Pewitt	Harry Smith
L. H. Jones	J. H. Polsgrove	Chas. L. Spillman
Ercel Kozee	E. F. Prichard	John M. Stumbo
Harry K. Lowman	Hobart Rayburn	G. C. Thornton
W. E. McClure	Ottis Roberts	W. R. Tipton
F. G. Marquette	F. L. Robinson	Wilford S. Travis
C. D. Moberly	Lilburn S. Rogers	John C. Watts
Davis Moore	Amos Runyan	Lawrence Watts
Walter Moorman	Glenn Rushing	Rodney Whitlow
Fred H. Morgan	Dr. K. N. Salyer	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 58. A Resolution authorizing Frank Shearer, Administrator of the estate of Oral Shearer, deceased, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Frank Shearer, Administrator of the estate of Oral Shearer, deceased, is authorized to sue the Commonwealth of Kentucky, in the Franklin Circuit Court for damages, resulting from the death of Oral Shearer, caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky in leaving ungarded a washout on a highway in

Wayne County, Kentucky, about 7 miles east of Monticello, on the Cooperville Road, and also known as Kentucky Highway No. 92, growing out of a gasoline truck turning over spilling gasoline being transported which ignited and resulted in the death of Oral Shearer. Said suit shall be for a sum not in excess of \$25,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the general fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth or any of its officers, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. E. Baumgardner	A. H. Calvert
Jason Alford	Fred Beshear	Paul Carter
Roy W. Arnold	Isaac M. Blevins	Earl W. Christian
Earl F. Ashcraft	Chas. J. Bronston	George I. Cline
Sidney Baer	Mrs. Mary Burnett	Everett T. Cooper
Levi Baker	Chas. W. Burnley	Perry M. Cross

B. G. Davidson	W. E. McClure	Amos Runyan
G. I. Drury	F. G. Marquette	Glenn Rushing
Kermit Dwyer	C. D. Moberly	Dr. K. N. Salyer
Henry J. Giles	Davis Moore	James J. Shannon
Otto W. Goff	Walter Moorman	Paul E. Shannon
N. M. Hamilton	Fred H. Morgan	James S. Shaw
James P. Hanratty	E. C. Mullins	Jesse H. Shelton
Carson Hibbitts	Thomas A. Noe, Jr.	Harry Smith
C. J. Holsclaw	Joe E. Nunn	Chas. L. Spillman
Clyde S. Howard	Harmon S. Overby	John M. Stumbo
M. G. Howard	H. M. Pewitt	G. C. Thornton
Ira W. Hulette	J. H. Polsgrove	W. R. Tipton
Laban P. Jackson	E. F. Prichard	Wilford S. Travis
Kerby Jennings	Hobart Rayburn	John C. Watts
L. H. Jones	Ottis Roberts	Lawrence Watts
Ercel Kozee	F. L. Robinson	Rodney Whitlow
Harry K. Lowman	Lilburn S. Rogers	G. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 54. A Joint Resolution authorizing Raymond Clayton of Providence, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Raymond Clayton is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damage to his crops during the years 1944, 1945, 1946 and 1947, grown on his farm in Webster County, Kentucky, on the east side of U. S. Highway 41 extending between Dixon and Providence, Kentucky, which land lies upon

what is known as Bull Creek and the ditch leading therefrom across U. S. Highway 41, and contains approximately 106 acres.

Said alleged damage was caused by the overflow of Bull Creek which passes under a bridge erected and constructed and being maintained by the Highway Department of Kentucky at U. S. Highway 41. That the said overflow was due to the fact that the opening is not sufficient to permit the passage of the ordinary rainfalls in that vicinity and that the water is caused to back upon the lands of the said Raymond Clayton, which results in damages to his crops.

Said suit shall be for a sum not in excess of \$9,350.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 53. A Joint Resolution authorizing Joe Perry, of Greensburg, Ky., to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

Said resolution is as follows, viz.:

Whereas, on a certain day in August, 1944, a road grader owned by the Department of Highways of Kentucky and being operated by an employe of the said department, ran into, upon and against a dwelling house owned by Joe Perry and situated in the city of Greensburg, Kentucky, causing substantial damage to said house; and

Whereas, it is alleged that said damage was the result of negligence on the part of the Department of Highways in maintaining and operating said grader;

Now, Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Joe Perry, of Greensburg, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, in the Green Circuit Court for property damage caused by alleged negligence on the part of the employes of the Department of Highways in maintaining and operating a road grader, whereby said grader ran into, against and upon a dwelling house owned by the said Joe Perry in Greensburg, Kentucky.

Said suit shall be for a sum not in excess of \$750.

The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth; and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbits	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Cpillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 51. A Joint Resolution repealing, amending and re-enacting Section 1 of Chapter 267 of the Acts of the General Assembly of Kentucky at its regular session 1942, and approved by the Governor March 2, 1942, so as to enable the Governor within his discretion to renew Interstate Compacts to Conserve Oil and Gas.

Said resolution is as follows, viz.:

“A Joint Resolution ratifying and approving the interstate compact to conserve oil and gas as herein set out, authorizing the Governor of the State to execute an agreement to enable this State to become a member thereof, prescribing the form of agreement, designating the Governor of this State as the authorized representative upon the interstate oil compact commission, authorizing and enabling him to appoint an assistant representative, prescribing procedure for the withdrawal from the compact, and declaring an emergency.

Whereas on the 16th day of February, 1935, the States of Colorado, Illinois, Kansas, New Mexico, Oklahoma and Texas entered into an interstate agreement known as the Interstate Compact to Conserve Oil and Gas, which agreement signed by the proper officials of these States is now on deposit with the Department of State of the United States in Washington, D. C., said agreement, unless extended, terminating on September 1, 1937;

And whereas by agreements duly entered into by said States pursuant to legislative authority said compact has been extended from time to time and is now in full force and effect.

And Whereas said Interstate Compact to Conserve Oil and Gas provides as follows: “Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified and ratified.”

And Whereas it is deemed advisable that the Commonwealth of Kentucky join and become a member of the Interstate Compact to Conserve Oil and Gas as now constituted:”
Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That—

Section 1 of Chapter 267 of the Acts of the General Assembly for 1942 regular session, be repealed, amended and re-enacted so that said section shall read as follows:

Section 1. The Interstate Compact to Conserve Oil and Gas entered into by the Governors of the States of Colorado, Illinois, Kansas, New Mexico, Oklahoma and Texas, and the representatives of certain other oil producing States at Dallas, Texas, on the 16th day of February, 1935, and extended as aforesaid, is hereby ratified, approved and confirmed by the Commonwealth of Kentucky and the Governor of this Commonwealth is hereby authorized, empowered and directed to affix its signature to a counterpart of said Interstate Compact to Conserve Oil and Gas, or any renewal thereof within the Governor's discretion, and have a certified copy of same, or a copy of any renewal of the Compact deposited with the Department of State of the United States in Washington, D. C., as provided by Article VIII of said Compact.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. E. Baumgardner	A. H. Calvert
Jason Alford	Fred Beshear	Paul Carter
Roy W. Arnold	Isaac M. Blevins	Earl W. Christian
Earl F. Ashcraft	Chas. J. Bronston	George I. Cline
Sidney Baer	Mrs. Mary Burnett	Everett T. Cooper
Levi Baker	Chas. W. Burnley	Perry M. Cross

B. G. Davidson	W. E. McClure	Amos Runyan
G. I. Drury	F. G. Marquette	Glenn Rushing
Kermit Dwyer	C. D. Moberly	Dr. K. N. Salyer
Henry J. Giles	Davis Moore	James J. Shannon
Otto W. Goff	Walter Moorman	Paul E. Shannon
N. M. Hamilton	Fred H. Morgan	James S. Shaw
James P. Hanratty	E. C. Mullins	Jesse H. Shelton
Carson Hibbitts	Thomas A. Noe, Jr.	Harry Smith
C. J. Holsclaw	Joe E. Nunn	Chas L. Spillman
Clyde S. Howard	Harmon S. Overby	John M. Stumbo
M. G. Howard	H. M. Pewitt	G. C. Thornton
Ira W. Hulette	J. H. Polsgrove	W. R. Tipton
Laban P. Jackson	E. F. Prichard	Wilford S. Travis
Kerby Jennings	Hobart Rayburn	John C. Watts
L. H. Jones	Ottis Roberts	Lawrence Watts
Ercel Kozee	F. L. Robinson	Rodney Whitlow
Harry K. Lowman	Lilburn S. Rogers	G. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 50. A Joint Resolution providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain of the General Assembly.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sum of Twelve Hundred Dollars (\$1200.00) is hereby appropriated out of the Legislative Session Fund, One Hundred Fifty Dollars (\$150.00) of which is

to be paid to each of the following named ministers of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly:

W. B. Campbell, Charles W. Owens, E. W. Baxter, W. P. Wilhoite, Fred T. Moffett, Father Joseph A. O'Dwyer, O. Leland Gilmore, and Paul S. Stauffer.

Section 2. That the Chief Clerk of the Senate shall certify this resolution to the Commissioner of Finance, who shall draw his warrant upon the State Treasurer for the amounts above designated and the State Treasurer shall pay the same.

Whereas, all employees of the General Assembly have been promptly paid for their services and said ministers have been faithful in attending as chaplain, and are also entitled to prompt payment, an emergency is hereby declared to exist and this resolution shall take effect from and after its passage and approval by the Governor.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Isaac M. Blevins	Evertt T. Cooper
Jason Alford	Chas. J. Bronston	Perry M. Cross
Roy W. Arnold	Mrs. Mary Burnett	B. G. Davidson
Earl F. Ashcraft	Chas. W. Burnley	G. I. Drury
Sidney Baer	A. H. Calvert	Kermit Dwyer
Levi Baker	Paul Carter	Henry J. Giles
C. E. Baumgardner	Earl W. Christian	Otto W. Goff
Fred Beshear	George I. Cline	N. M. Hamilton

James P. Hanratty	Walter Moorman	Dr. K. N. Salyer
Carson Hibbitts	Fred H. Morgan	James J. Shannon
C. J. Holsclaw	E. C. Mullins	Paul E. Shannon
Clyde S. Howard	Thomas A. Noe, Jr.	James S. Shaw
M. G. Howard	Joe E. Nunn	Jesse H. Shelton
Ira W. Hulette	Harmon S. Overby	Harry Smith
Laban P. Jackson	H. M. Pewitt	Chas. L. Spillman
Kerby Jennings	J. H. Polsgrove	John M. Stumbo
L. H. Jones	E. F. Prichard	G. C. Thornton
Ercel Kozee	Hobart Rayburn	W. R. Tipton
Harry K. Lowman	Ottis Roberts	Wilford S. Travis
W. E. McClure	F. L. Robinson	John C. Watts
F. G. Marquette	Lilburn S. Rogers	Lawrence Watts
C. D. Moberly	Amos Runyan	Rodney Whitlow
Davis Moore	Glenn Rushing	G. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 43. A Joint Resolution making an appropriation for the purpose of paying the claim of A. L. P. Corder, of Cumberland, Kentucky, for expenses incurred as special agent of the Governor in returning a fugitive from justice, and directing the payment of the amount appropriated to the said A. L. P. Corder.

Said resolution is as follows, viz.:

Whereas, A. L. P. Corder, of Cumberland, Kentucky, was duly appointed by the Governor of the Commonwealth as special agent to return, from Pendleton, Oregon, to Whitesburg, Kentucky, a certain fugitive from justice, and did so

return said fugitive and deliver him to the jailer of Letcher County on January 18, 1947; and

Whereas, in so doing the said A. L. P. Corder incurred expenses in the amount of \$450.67, which sum he is lawfully entitled to but his claim for which has not been paid:

Now, Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of \$450.67, for the purpose of paying the claim of A. L. P. Corder, of Cumberland, Kentucky, for expenses incurred in returning a certain fugitive from justice, and the Commissioner of Finance is directed to draw his warrant upon the State Treasurer in favor of the said A. L. P. Corder for the amount so appropriated.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Mrs. Mary Burnett	Kermit Dwyer
Jason Alford	Chas. W. Burnley	Henry J. Giles
Roy W. Arnold	A. H. Calvert	Otto W. Goff
Earl F. Ashcraft	Paul Carter	N. M. Hamilton
Sidney Baer	Earl W. Christian	James P. Hanratty
Levi Baker	George I. Cline	Carson Hibbitts
C. E. Baumgardner	Everett T. Cooper	C. J. Holsclaw
Fred Beshear	Perry M. Cross	Clyde S. Howard
Isaac M. Blevins	B. G. Davidson	M. G. Howard
Chas. J. Bronston	G. I. Drury	Ira W. Hulette

Laban P. Jackson	Joe E. Nunn	Paul E. Shannon
Kerby Jennings	Harman S. Overby	James S. Shaw
L. H. Jones	H. M. Pewitt	Jesse H. Shelton
Ercel Kozee	J. H. Polsgrove	Harry Smith
Harry K. Lowman	E. F. Prichard	Chas. L. Spillman
W. E. McClure	Hobart Rayburn	John M. Stumbo
F. G. Marquette	Ottis Roberts	G. C. Thornton
C. D. Moberly	F. L. Robinson	W. R. Tipton
Davis Moore	Lilburn S. Rogers	Wilford S. Travis
Walter Moorman	Amos Runyan	John C. Watts
Fred H. Morgan	Glenn Rushing	Lawrence Watts
E. C. Mullins	Dr. K. N. Sayler	Rodney Whitlow
Thomas A. Noe, Jr.	James J. Shannon	G. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 36. A Joint Resolution authorizing Harvey D. Brown, of Lexington, Kentucky, to sue the Commonwealth of Kentucky and the Department of Welfare, or either.

Said resolution is as follows, viz.:

Whereas, on the 10th day of October, 1947, while Harvey D. Brown was operating his truck, acting by and through his agent and servant, William E. Thomas, upon a public highway in Fayette County, Kentucky, a collision occurred between said truck and an automobile belonging to the Commonwealth of Kentucky and operated and driven by Cecil Van Hoose, an employee of the Kentucky Houses of Reform, with the result that Harvey D. Brown's truck was damaged in the amount of One Thousand (\$1,000.00) Dollars, and

Whereas, it appears that the Commonwealth of Kentucky or the Department of Welfare, or either, acting by and through their agent, servant and employee, who was then and there acting within the scope of his authority, may be responsible in damages:

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Harvey D. Brown, of Lexington, Fayette County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Welfare, or either, in the Fayette Circuit Court, for damages to his automobile resulting from the collision caused by the negligence on the part of the Commonwealth of Kentucky and the Department of Welfare, acting through its agent and employee, while acting within the scope of his employment as herein set out.

2. The suit shall be for a sum not in excess of One Thousand (\$1,000.00) Dollars.

3. The Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this resolution shall be considered by either the court or jury as an admission of neglect upon the part of the Commonwealth or the Department of Welfare and this resolution shall not be introduced as evidence or commented upon by counsel in arguments to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said

resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	G. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 35. A Joint Resolution authorizing Leo F. Wilson of Versailles, Kentucky, to sue the Commonwealth of Kentucky and the Division of Game and Fish of Kentucky, or either.

Said resolution is as follows, viz.:

Whereas, on the 15th day of November, 1947, while Leo F. Wilson of Versailles, Kentucky, was operating his automobile upon a public highway in Woodford County, Kentucky, a wild deer suddenly and without warning appeared upon the highway in such a way that the said Leo F. Wilson was unable to avoid running into the deer with his automobile, with the result that his automobile was damaged in the amount of Five Hundred (\$500.00) Dollars, and

Whereas, it appears that the Commonwealth of Kentucky and the Division of Game and Fish of Kentucky, or either, in their capacity of protecting and preserving the wild life in this state, and particularly in permitting wild deer to run unmolested and uncontrolled in such a way that they may create a hazard to highway traffic, may be responsible in damages:

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Leo F. Wilson of Versailles, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Division of Game and Fish of Kentucky, or either, for damages to his automobile resulting from a collision with a wild deer upon a public highway in Woodford County, Kentucky, on the 15th day of November, 1947.

2. The suit shall be for a sum not in excess of Five Hundred (\$500.00) Dollars.

3. The Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Fund upon warrant

drawn by the Commissioner of Finance upon the State Treasurer.

4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth or the Division of Game and Fish, and this resolution shall be not be introduced as evidence, nor commented upon by counsel in argument to jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Perry M. Cross	Harry K. Lowman
Jason Alford	B. G. Davidson	W. E. McClure
Roy W. Arnold	G. I. Drury	F. G. Marquette
Earl F. Ashcraft	Kermit Dwyer	C. D. Moberly
Sidney Baer	Henry J. Giles	Davis Moore
Levi Baker	Otto W. Goff	Walter Moorman
C. E. Baumgardner	N. M. Hamilton	Fred H. Morgan
Fred Beshear	James P. Hanratty	E. C. Mullins
Isaac M. Blevins	Carson Hibbitts	Thomas A. Noe, Jr.
Chas. J. Bronston	C. J. Holsclaw	Joe E. Nunn
Mrs. Mary Burnett	Clyde S. Howard	Harmon S. Overby
Chas. W. Burnley	M. G. Howard	H. M. Pewitt
A. H. Calvert	Ira W. Hulette	J. H. Polsgrove
Paul Carter	Laban P. Jackson	E. F. Prichard
Earl W. Christian	Kerby Jennings	Hobart Rayburn
George I. Cline	L. H. Jones	Ottis Roberts
Everett T. Cooper	Ercel Kozee	F. L. Robinson

Lilburn S. Rogers	James S. Shaw	W. R. Tipton
Amos Runyan	Jesse H. Shelton	Wilford S. Travis
Glenn Rushing	Harry Smith	John C. Watts
Dr. K. N. Salyer	Chas. L. Spillman	Lawrence Watts
James J. Shannon	John M. Stumbo	Rodney Whitlow
Paul E. Shannon	G. C. Thornton	Geo. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 34. A Joint Resolution authorizing the personal representative of J. W. Lathan, deceased, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of J. W. Lathan, deceased, of Graves County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Graves Circuit Court, for damages for the wrongful death of said J. W. Latham, caused by alleged negligence on the part of an employe of the Department of Highways and the Commonwealth of Kentucky while said employe was acting in the line of duty.

Said suit shall be for a sum not in excess of \$5,000.

The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems

it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Funds upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the Department of Highways, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Everett T. Cooper	L. H. Jones
Jason Alford	Perry M. Cross	Ercel Kozee
Roy W. Arnold	B. G. Davidson	Harry K. Lowman
Earl F. Ashcraft	G. I. Drury	W. E. McClure
Sidney Baer	Kermit Dwyer	F. G. Marquette
Levi Baker	Henry J. Giles	C. D. Moberly
C. E. Baumgardner	Otto W. Goff	Davis Moore
Fred Beshear	N. M. Hamilton	Walter Moorman
Isaac M. Blevins	James P. Hanratty	Fred H. Morgan
Chas. J. Bronston	Carson Hibbitts	E. C. Mullins
Mrs. Mary Burnett	C. J. Holsclaw	Thomas A. Noe, Jr.
Chas. W. Burnley	Clyde S. Howard	Joe E. Nunn
A. H. Calvert	M. G. Howard	Harmon S. Overby
Paul Carter	Ira W. Hulette	H. M. Pewitt
Earl W. Christian	Laban P. Jackson	J. H. Polsgrove
George I. Cline	Kerby Jennings	E. F. Prichard

Hobart Rayburn	James J. Shannon	G. C. Thornton
Ottis Roberts	Paul E. Shannon	W. R. Tipton
F. L. Robinson	James S. Shaw	Wilford S. Travis
Lilburn S. Rogers	Jesse H. Shelton	John C. Watts
Amos Runyan	Harry Smith	Lawrence Watts
Glenn Rushing	Chas. L. Spillman	Rodney Whitlow
Dr. K. N. Salyer	John M. Stumbo	Geo. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 29. A Joint Resolution authorizing the personal representatives of William Flannery, Grant Judd and Augustus Mainous to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representatives of the above parties, William Flannery, Grand Judd and Augustus Mainous, are authorized to sue the Commonwealth of Kentucky in the Lee or Owsley Circuit Court for damages resulting from personal injuries which caused the death of said three individuals above set out, which injuries and death were caused by the negligence on the part of the employees of the Commonwealth of Kentucky and Department of Highways, while said decedents were passengers in an automobile on said highway; said negligence consisting of willfully and unnecessarily blocking the public highway in violation of the Kentucky Statutes; by failure to give warning of said blocking and by failure to put out any

signs whatsoever of "Men Working" and failure to put out any men to warn the public that department was blocked and dangerous on a curve. Each of said suits may be filed for a sum not in excess of \$25,000.00 each.

The Attorney General for the Commonwealth of Kentucky may investigate said claims herein and settle same before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer. In the event, a suit is filed and judgment rendered, either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be considered by either the court or jury as an admission of negligence on the part of the Commonwealth and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. W. Burnley	Otto W. Goff
Jason Alford	A. H. Calvert	N. M. Hamilton
Roy W. Arnold	Paul Carter	James P. Hanratty
Earl F. Ashcraft	Earl W. Christian	Carson Hibbitts
Sidney Baer	George I. Cline	C. J. Holsclaw
Levi Baker	Everett T. Cooper	Clyde S. Howard
C. E. Baumgardner	Perry M. Cross	M. G. Howard
Fred Beshear	B. G. Davidson	Ira W. Hulette
Isaac M. Blevins	G. I. Drury	Laban P. Jackson
Chas. J. Bronston	Kermit Dwyer	Kerby Jennings
Mrs. Mary Burnett	Henry J. Giles	L. H. Jones

Ercel Kozee	H. M. Pewitt	James S. Shaw
Harry K. Lowman	J. H. Polsgrove	Jesse H. Shelton
W. E. McClure	E. F. Prichard	Harry Smith
F. G. Marquette	Hobart Rayburn	Chas. L. Spillman
C. D. Moberly	Ottis Roberts	John M. Stumbo
Davis Moore	F. L. Robinson	G. C. Thornton
Walter Moorman	Lilburn S. Rogers	W. R. Tipton
Fred H. Morgan	Amos Runyan	Wilford S. Travis
E. C. Mullins	Glenn Rushing	John C. Watts
Thomas A. Noe, Jr.	Dr. K. N. Salyer	Lawrence Watts
Joe E. Nunn	James J. Shannon	Rodney Whitlow
Harmon S. Overby	Paul E. Shannon	Geo. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 28. A Joint Resolution authorizing the statutory guardian or next friend of Douglas Eversole to sue the Commonwealth of Kentucky and the Department of Agriculture.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the statutory guardian or next friend of Douglas Eversole, an infant fifteen years of age, is authorized to sue the Commonwealth of Kentucky, Department of Agriculture for damages resulting from injury by loss of services and permanent impairment of his ability to labor and earn money and that said injuries were caused by being negligently run

over and against by a truck of the defendant, which caused his leg to be broken and also his hip to be broken and crushed and that he has been rendered a permanent cripple by and through the neglect of the Commonwealth of Kentucky and the Department of Agriculture. That said suit shall be for a sum not exceeding \$25,000.00. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth and may settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance on the State Treasurer.

In the event a suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence on the part of the Commonwealth and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Sidney Baer	Isaac M. Blevins
Jason Alford	Levi Baker	Chas. J. Bronston
Roy W. Arnold	C. E. Baumgardner	Mrs. Mary Burnett
Earl F. Ashcraft	Fred Beshear	Chas. W. Burnley

A. H. Calvert	Kerby Jennings	F. L. Robinson
Paul Carter	L. H. Jones	Lilburn S. Rogers
Earl W. Christian	Ercel Kozee	Amos Runyan
George I. Cline	Harry K. Lowman	Glenn Rushing
Everett T. Cooper	W. E. McClure	Dr. K. N. Salyer
Perry M. Cross	F. G. Marquette	James J. Shannon
B. G. Davidson	C. D. Moberly	Paul E. Shannon
G. I. Drury	Davis Moore	James S. Shaw
Kermit Dwyer	Walter Moorman	Jesse H. Shelton
Henry J. Giles	Fred H. Morgan	Harry Smith
Otto W. Goff	E. C. Mullins	Chas. L. Spillman
N. M. Hamilton	Thomas A. Noe, Jr.	John M. Stumbo
James P. Hanratty	Joe E. Nunn	G. C. Thornton
Carson Hibbitts	Harmon S. Overby	W. R. Tipton
C. J. Holsclaw	H. M. Pewitt	Wilford S. Travis
Clyde S. Howard	J. H. Polsgrove	John C. Watts
M. G. Howard	E. F. Prichard	Lawrence Watts
Ira W. Hulette	Hobart Rayburn	Rodney Whitlow
Laban P. Jackson	Ottis Roberts	Geo. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 26. A Joint Resolution authorizing James Daniel Chancey, Louisville, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That James Daniel Chancey, of Louisville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the

Franklin Circuit for personal injuries and permanent physical impairment alleged to have been sustained by him in the line of duty while serving as a member of the Kentucky National Guard, and while on active duty in Harlan County, Kentucky, during the summer of 1939.

Said suit shall be in a sum not to exceed Seven Thousand Five Hundred (\$7,500.00) Dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, as he deem sit advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event the suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Earl F. Ashcraft	C. E. Baumgardner
Jason Alford	Sidney Baer	Fred Beshear
Roy W. Arnold	Levi Baker	Isaac M. Blevins

Chas. J. Bronston	Ira W. Hulette	Ottis Roberts
Mrs. Mary Burnett	Laban P. Jackson	F. L. Robinson
Chas. W. Burnley	Kerby Jennings	Lilburn S. Rogers
A. H. Calvert	L. H. Jones	Amos Runyan
Paul Carter	Ercel Kozee	Glenn Rushing
Earl W. Christian	Harry K. Lowman	Dr. K. N. Salyer
George I. Cline	W. E. McClure	James J. Shannon
Everett T. Cooper	F. G. Marquette	Paul E. Shannon
Perry M. Cross	C. D. Moberly	James S. Shaw
B. G. Davidson	Davis Moore	Jesse H. Shelton
G. I. Drury	Walter Moorman	Harry Smith
Kermit Dwyer	Fred H. Morgan	Chas. L. Spillman
Henry J. Giles	E. C. Mullins	John M. Stumbo
Otto W. Goff	Thomas A. Noe, Jr.	G. C. Thornton
N. M. Hamilton	Joe E. Nunn	W. R. Tipton
James P. Hanratty	Harmon S. Overby	Wilford S. Travis
Carson Hibbitts	H. M. Pewitt	John C. Watts
C. J. Holsclaw	J. H. Polsgrove	Lawrence Watts
Clyde S. Howard	E. F. Prichard	Rodney Whitlow
M. G. Howard	Hobart Rayburn	Geo. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 24. A Joint Resolution authorizing Fred Sloan, Administrator of the estate of Clayton Sloan, to sue the Commonwealth of Kentucky; and the Department of Welfare.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Fred Sloan as Administrator of Clayton Sloan, is authorized to sue the Commonwealth of Kentucky, in the Lee or Owsley Circuit Court for damages and injury caused by the loss of services to the estate of his said son by reason of the neglectful and willful conduct of the employees of the Commonwealth of Kentucky, which caused the immediate death of his son, while his said son was in custody of said officers and agents of the Commonwealth of Kentucky and that by reason of the neglect and carelessness of the Department of Welfare that his said son, Clayton Sloan, a boy of twenty or twenty-one years of age was neglectfully, wrongfully and unlawfully caused to be placed in the room with, and to sleep with habitual criminals, so known to be, and allowed and forced his said son to use the same bedroom with dangerous, habitual criminals and while in said room with one Charles Smith, an habitual and confirmed criminal who had killed several men and was notoriously vicious and brutal, that the said habitual criminal attacked his said son at night and actually cut his head off, from which he then and there died. That the said sum shall not be in excess of Ten Thousand (\$10,000.00) Dollars; and the Attorney General of the Commonwealth of Kentucky may investigate said claim herein and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer. In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence on the part of the Commonwealth and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said

resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Iilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	Geo. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 21. A Joint Resolution authorizing and directing the payment of the claim of J. C. Williamson, of Pikeville, Kentucky, for the return of certain fugitives from justice, and making an appropriation for that purpose.

Said resolution is as follows, viz.:

Whereas, J. C. Williamson, of Pikeville, Kentucky, while serving in the capacity of a public officer, incurred expenses in the amount of \$58.75 in returning to Pike County, Kentucky, certain fugitives from justice, and he is justly entitled to be reimbursed for such expenses:

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated, out of the General Expenditure Fund in the State Treasury, the sum of \$58.75 for the purpose of paying the claim of J. C. Williamson, of Pikeville, Kentucky, for expenses in returning certain fugitives from justice, and the Commissioner of Finance is directed to draw his warrant upon the State Treasurer, in favor of the said J. C. Williamson, for the amount so appropriated.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Sidney Baer	Isaac M. Blevins
Jason Alford	Levi Baker	Chas. J. Bronston
Roy W. Arnold	C. E. Baumgardner	Mrs. Mary Burnett
Earl F. Ashcraft	Fred Beshear	Chas. W. Burnley

A. H. Calvert	Kerby Jennings	F. L. Robinson
Paul Carter	L. H. Jones	Lilburn S. Rogers
Earl W. Christian	Ercel Kozee	Amos Runyan
George I. Cline	Harry K. Lowman	Glenn Rushing
Everett T. Cooper	W. E. McClure	Dr. K. N. Salyer
Perry M. Cross	F. G. Marquette	James J. Shannon
B. G. Davidson	C. D. Moberly	Paul E. Shannon
G. I. Drury	Davis Moore	James S. Shaw
Kermit Dwyer	Walter Moorman	Jesse H. Shelton
Henry J. Giles	Fred H. Morgan	Harry Smith
Otto W. Goff	E. C. Mulins	Chas. L. Spillman
N. M. Hamilton	Thomas A. Noe, Jr.	John M. Stumbo
James P. Hanratty	Joe E. Nunn	G. C. Thornton
Carson Hibbitts	Harmon S. Overby	W. R. Tipton
C. J. Holsclaw	H. M. Pewitt	Wilford S. Travis
Clyde S. Howard	J. H. Polsgrove	John C. Watts
M. G. Howard	E. F. Prichard	Lawrence Watts
Ira W. Hulette	Hobart Rayburn	Rodney Whitlow
Laban P. Jackson	Ottis Roberts	Geo. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 20. A Joint Resolution authorizing Maude Turner Herald to file suit against the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School, of any one or more of them.

Said resolution is as follows, viz.:

Whereas, on February 22, 1943, Maude Turner Herald, a resident of Coombs, Perry County, Kentucky, was seriously

and permanently injured while working as an electric welder at the Mayo State Vocational School or a branch thereof in Perry County, Kentucky. Said Mayo State Vocational School was under the control and supervision of the State Board of Education, and said State Board of Education is an authorized agency of the Commonwealth of Kentucky. While working as an electric welder, said Maude Turner Herald was injured as a result of the negligence and carelessness of the Mayo State Vocational School, the State Board of Education and the employees and agents of the Commonwealth of Kentucky in their failure to furnish her a safe place in which to work. Said Maude Turner Herald was injured when an emery wheel broke in two and a portion of it struck Maude Turner Herald on the head. Said emery wheel was defective and lacked necessary safety guards.

Whereas, her injuries and damages are in an amount greater than \$1,000.00 and, therefore, her claim is not one that can be brought properly before the Board of Claims as provided for in KRS 176.290.

Now, in order that Maude Turner Herald may have her day in court to determine by judicial action the question of negligence, if any, causing injuries aforesaid,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Maude Turner Herald, or in the event of her death before or during the prosecution of this action to its final conclusion, her executor or administrator or, in the event that she become incompetent as the result of this injury, her committee be and she is hereby empowered and authorized to sue the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School or any one or more of them, in the Perry Circuit Court or the Franklin Circuit Court, for damages resulting from personal injuries, medical expense and lost time caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School while said employees were in the line of duty as agents of the Commonwealth of Kentucky and while acting within the scope of their authority.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable. Said suit shall not be for a sum in excess of \$15,000.00.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

The statute of limitations shall not begin to run in favor of the Commonwealth until this act becomes effective.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. J. Bronston	B. G. Davidson
Jason Alford	Mrs. Mary Burnett	G. I. Drury
Roy W. Arnold	Chas. W. Burnley	Kermit Dwyer
Earl F. Ashcraft	A. H. Calvert	Henry J. Giles
Sidney Baer	Paul Carter	Otto W. Goff
Levi Baker	Earl W. Christian	N. M. Hamilton
C. E. Baumgardner	George I. Cline	James P. Hanratty
Fred Beshear	Everett T. Cooper	Carson Hibbitts
Isaac M. Blevins	Perry M. Cross	C. J. Holsclaw

Clyde S. Howard	E. C. Mulins	James J. Shannon
M. G. Howard	Thomas A. Noe, Jr.	Paul E. Shannon
Ira W. Hulette	Joe E. Nunn	James S. Shaw
Laban P. Jackson	Harmon S. Overby	Jesse H. Shelton
Kerby Jennings	H. M. Pewitt	Harry Smith
L. H. Jones	J. H. Polsgrove	Chas. L. Spillman
Ercel Koze	E. F. Prichard	John M. Stumbo
Harry K. Lowman	Hobart Rayburn	G. C. Thornton
W. E. McClure	Ottis Roberts	W. R. Tipton
F. G. Marquette	F. L. Robinson	Wilford S. Travis
C. D. Moberly	Lilburn S. Rogers	John C. Watts
Davis Moore	Amos Runyan	Lawrence Watts
Walter Moorman	Glenn Rushing	Rodney Whitlow
Fred H. Morgan	Dr. K. N. Salyer	Geo. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 13. A Joint Resolution authorizing the payment of the claim of G. B. Taylor, of Greensburg, Kentucky, for traveling expenses incurred while serving as a member of the County Boundary Commission established by Chapter 179 of the Acts of 1944; and appropriating the necessary sum to pay the claim.

Said resolution is as follows, viz.:

Whereas, G. B. Taylor, of Greensburg, Kentucky, was duly appointed as a member of the County Boundary Commission created by Chapter 179 of the Acts of 1944, and while serving as a member of the Commission incurred traveling expenses in the amount of \$47.67, and

Whereas, through inadvertence, the claim for such traveling expenses was not submitted until after the end of the 1945-1946 fiscal year, at which time the appropriation for expenses of the Commission had lapsed: Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of \$47.67 is hereby appropriated out of the General Expenditure Fund in the State Treasury, to pay the claim of G. B. Taylor, of Greensburg, Kentucky, for traveling expenses incurred while serving as a member of the County Boundary Commission created by Chapter 179 of the Acts of 1944, and the Department of Finance shall draw its warrant for such amount upon the State Treasurer, in favor of the said G. B. Taylor.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Paul Carter	C. J. Holsclaw
Jason Alford	Earl W. Christian	Clyde S. Howard
Roy W. Arnold	George I. Cline	M. G. Howard
Earl F. Ashcraft	Everett T. Cooper	Ira W. Hulette
Sidney Baer	Perry M. Cross	Laban P. Jackson
Levi Baker	B. G. Davidson	Kerby Jennings
C. E. Baumgardner	G. I. Drury	L. H. Jones
Fred Beshear	Kermit Dwyer	Ercel Kozee
Isaac M. Blevins	Henry J. Giles	Harry K. Lowman
Chas. J. Bronston	Otto W. Goff	W. E. McClure
Mrs. Mary Burnett	N. M. Hamilton	F. G. Marquette
Chas. W. Burnley	James P. Hanratty	C. D. Moberly
A. H. Calvert	Carson Hibbitts	Davis Moore

Walter Moorman	Ottis Roberts	Harry Smith
Fred H. Morgan	F. L. Robinson	Chas. L. Spillman
E. C. Mullins	Lilburn S. Rogers	John M. Stumbo
Thomas A. Noe, Jr.	Amos Runyan	G. C. Thornton
Joe E. Nunn	Glenn Rushing	W. R. Tipton
Harmon S. Overby	Dr. K. N. Salyer	Wilford S. Travis
H. M. Pewitt	James J. Shannon	John C. Watts
J. H. Polsgrove	Paul E. Shannon	Lawrence Watts
E. F. Prichard	James S. Shaw	Rodney Whitlow
Hobart Rayburn	Jesse H. Shelton	Geo. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 12. A Joint Resolution authorizing, Edmund Hoyle, Mary Hoyle, Charles Edward Hoyle, Millard Stratton, Dorothy E. Stratton, Marvin Ray Stratton, and Henry Stratton, all of Floyd County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

Said resolution is as follows, viz.:

Whereas, on the 28th day of June, 1947, on State Highway No. 23, in Floyd County, Kentucky, Edmund Hoyle, Mary Hoyle, Charles Edward Hoyle, Millard Stratton, Dorothy E. Stratton, Marvin Ray Stratton, and Henry Stratton, suffered persona linjuries as the result of alleged negligence on the part of an employe or employes of the Commonwealth of Kentucky, while said employe or employes were in the line of duty:

Now, Therefore,

Be it reselved by the General Assembly of the Commonwealth of Kentucky:

That Edmund Hoyle, Mary Hoyle, Charles Edward Hoyle, Millard Stratton, Dorothy E. Stratton, Marvin Ray Stratton, and Henry Stratton, are each authorized, individually, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, in the Floyd Circuit Court, for damages resulting from personal injuries caused by alleged negligence on the part of employes of the Commonwealth of Kentucky and the Department of Highways, while said employes were engaged in the line of duty as employes of this Commonwealth and in its Department of Highways.

Said suits shall not be for a sum in excess of the following amounts:

Edmund Hoyle, \$3,000.00.

Mary Hoyle, \$5,000.00.

Charles Edward Hoyle, \$5,000.00.

Millard Stratton, \$2,500.00.

Dorothy E. Stratton, \$2,500.00.

Marvin Ray Stratton, \$2,500.00.

Henry Stratton, \$2,500.00.

No plea of limitation shall be interposed if said suits are commenced within one year from the effective date of this resolution.

The Attorney General may investigate said claims and settle any or all of said claims before or after suit is filed, if he deems it advisable. Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth or the Department of Highways, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	Geo. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 10. A Joint Resolution authorizing Betty Lee Hatfield, an infant nineteen years of age, by her guardian or next friend, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Betty Lee Hatfield, an infant nineteen years of age, by her guardian or next friend, be and she is authorized to sue the Commonwealth of Kentucky in the Pike Circuit Court for damages resulting from personal injuries and medical expenses caused by alleged negligence on the part of the Commonwealth of Kentucky, its agents, servants and employees.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the road fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced in evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Hobart Rayburn
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	M. G. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
A. H. Calvert	W. E. McClure	Jesse H. Shelton
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	C. D. Moberly	Chas. L. Spillman
George I. Cline	Davis Moore	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
G. I. Drury	Thomas A. Noe, Jr.	John C. Watts
Kermit Dwyer	Joe E. Nunn	Lawrence Watts
Henry J. Giles	Harmon S. Overby	Rodney Whitlow
Otto W. Goff	H. M. Pewitt	Geo. F. Williamson

—69

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Speaker delivered to the Chief Clerk the following communion, viz.:

March 17, 1948

Mr. Byron Royster
Chief Clerk
House of Representatives

Dear Mr. Royster:

As Chairman of the Rules Committee, I wish to report that at a third meeting of that Committee held on this day, the following bills were approved and ordered to their first reading, in addition to those reported to you earlier in the day.

Senate Bill 334

Senate Bill 347

This is your authority to record these bills in lieu of a committee report signed by a majority of the members and will take the place of individual committee reports.

Very truly yours,

T. Herbert Tinsley
Speaker

Mr. John C. Watts moved that the rules be suspended for the purpose of allowing a report of Committee.

Said motion was agreed to by a majority of the members elected.

Thereupon, the Committee on Rules, to which the same had been referred reported bills of the following titles, viz.:

S. B. No. 334. A Bill prohibiting the furnishing of information by any telegraph, telephone or messenger or wire service, to be used by any betting establishment or handbook concerning any horse race or races in or out of the State of Kentucky, and prescribing penalty for violation of this statute.

With Committee amendments thereto.

S. B. No. 223. An Act relating to motor vehicles, with particular reference to the granting of operator's licenses.

With expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. No. 203. An Act relating to the business of leasing, renting, or letting out for hire, motor vehicles to be used for the transportation of persons but for which no driver is furnished, such business being commonly known as the "U-Drive-It" or "Rent-A-Car" business.

With an amendment thereto by way of substitute therefor as proposed and adopted by the Senate.

Said amendment to said bill by way of substitute therefor is as follows, viz.:

An Act relating to the business of leasing, renting, or letting out for hire, motor vehicles to be used for the transportation of persons but for which no driver is furnished, such business being commonly known as the "U-Drive-It" or "Rent-A-Car" business.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. No person shall engage in the business of leasing, renting, or letting out for hire, motor vehicles to be used for the transportation of persons but for which no driver is furnished, such business being commonly known as the

“U-Drive-It” or “Rent-A-Car” business, until he has filed with the Department of Revenue an insurance policy, covering the owner as the named assured, and meeting the requirements provided for in KRS 187.490, or has qualified as a self-insurer in the same manner as is provided for in KRS 187.600.

2. Any person who violates any of the provisions of this Act shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in jail for not less than ten days nor more than thirty days, or both.

H. B. No. 354. An Act relating to Revenue and Taxation.

With amendments thereto as proposed and adopted by the Senate.

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend printed copy of House Bill No. 354 on page 1, section 2, line 6 by striking therefrom the word “ninety” and inserting in lieu thereof the word “ninety-five.”

Amendment No. 2. Amend printed copy of House Bill No. 354 on page 1, section 1, line 7 by striking therefrom the word “ninety” and inserting in lieu thereof the word “ninety-five.”

H. B. No. 358. An Act relating to Revenue and Taxation, particularly to the taxation of transfers of property or any interest therein.

With amendments thereto as proposed and adopted by the Senate.

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend printed copy of House Bill No. 358 on page 6, section 7a, line

Section 7a. Subsection (2) of Section 140.030 of the Kentucky Revised Statutes is amended to read as follows:

“(2) The proceeds payable under any life insurance policy on the death of the assured (other than a United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government), whether payable to a designated beneficiary or to the assured or his estate, shall be taxable as a part of the legacy as the distributable share of the beneficiary, except that the proceeds of an insurance policy payable to a designated beneficiary other than the assured or his estate, not to exceed twenty thousand dollars in the aggregate, shall be tax-free. The tax-free portion shall be divided among the beneficiaries in proportion to the proceeds payable to each of them. The proceeds payable under any United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government, whether payable to a designated beneficiary or to the assured or his estate, shall be tax-free, and shall not be considered in determining the value of any taxable transfer.”

Amendment No. 2. Amend printed copy of House Bill No. 358 on page, section, line by striking therefrom Sections 14 to 33, inclusive.

H. B. No. 363. An Act to repeal and re-enact Section 243.720, Kentucky Revised Statutes 1946, relating to revenue and taxation.

With an amendment thereto as proposed and adopted by the Senate. :

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz.:

Amend printed copy of House Bill 363 on page 1, section 1, line 4, by writing between the word “spirits” on line 4 and the word “used” in line 5 the following:

“and a proportional rate per gallon on all distilled spirits”.

Ordered that said bills, together with the amendments thereto as proposed and adopted by the Senate, be laid on the Clerk's desk.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 297. An Act relating to state boards and commissions, with special reference to the terms of the members of certain boards and commissions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 164.130 of the Kentucky Revised Statutes is amended to read as follows:

The government of the University of Kentucky is vested in a board of trustees, consisting of the Governor, who shall be chairman of the board, the Superintendent of Public Instruction, the Commissioner of Agriculture, Labor and Statistics, and twelve competent citizens of Kentucky appointed by the Governor. The terms of the appointed members shall be for four years and until their successors are appointed and qualify. The terms of the four present members appointed in January 1948, to succeed those members who were appointed under the former statute for terms beginning January, 1942, shall be calculated to have begun as of January 1, 1948. The terms of the four present members who were appointed under the former statute for terms beginning in January, 1944, shall be deemed to have expired on December 31, 1947, but they shall be deemed to have continued in office pending the appointment and qualification of their successors, who shall be appointed for terms of four years, calculated as if they had begun on January 1, 1947. The terms of the four present members who were appointed under the former statute for terms beginning in January, 1946, shall expire on December 31, 1949,

and their successors shall be appointed for terms of four years beginning as of January 1, 1950. Thereafter, as the terms of each group of four members expire, successors shall be appointed for terms of four years. One member of each group of four shall be a member of the State Board of Agriculture, one shall be from the alumni of the university and two shall be distinguished citizens of the state. The Governor shall so make the appointments as to divide the representation upon the board, including the ex officio members, equally between the two leading political parties of this state. With the exception of the members of the board of trustees appointed from the alumni of the university, no two appointed members of the board shall be residents of any one county in Kentucky. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for original appointments.

§ 2. Section 167.020 of the Kentucky Revised Statutes is amended to read as follows:

The Kentucky School for the Deaf shall be governed by a board of commissioners consisting of nine members appointed by the Governor. The terms of the members shall be for four years and until their successors are appointed and qualify. The terms of the three present members who were appointed under the former statute for terms beginning in 1942 shall be deemed to have expired in 1946, four years from the date of commencement of the terms, but such members shall be deemed to have continued in office pending the appointment and qualification of their successors, who shall be appointed, in 1948, for terms of four years calculated as if they had begun on January 1, 1947. The terms of the three present members who were appointed under the former statute for terms beginning in 1944 shall be deemed to expire in 1948, four years from the date of commencement of the terms, but such members shall continue in office pending the appointment and qualification of their successors, who shall be appointed, in 1948, for terms of four years calculated as if they had begun on January 1, 1948. The terms of the three present members who were appointed under the former statute for terms beginning in 1946 shall expire in 1950, four

years from the date of commencement of the terms, and their successors shall be appointed in 1950 for terms of four years calculated to begin as of January 1, 1950. Thereafter, as the terms of each group of three members expire, successors shall be appointed for terms of four years. Two members out of each group of three members appointed shall be residents of Boyle County, Kentucky. Vacancies shall be filled by the Governor. The board shall be a corporate body for the benefit of the state by the name of Board of Commissioners of the Kentucky School for the Deaf. The board may make contracts, sue and be sued, have a common seal, and exercise all other rights and privileges incident to corporations that are necessary to carry out the purposes for which it is created. It may make such lawful bylaws as it deems proper. All action of the board shall be subject to the control of the General Assembly. A majority of the board shall constitute a quorum for the transaction of business.

§ 3. Section 211.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members of the State Board of Health shall hold office for four years and until their successors are appointed and qualify. The successors shall be appointed as provided in KRS 211.040. A vacancy in the board may be filled by the Governor until the next regular session of the General Assembly.

(2) The term of any present member of the State Board of Health, who was appointed under the former statute for a term of six years, shall be deemed to expire, or to have expired, four years from the date of commencement of the term. In the case of such present members whose terms will thus have been deemed to expire before the effective date of the 1948 Act by which this section was amended, such members shall be deemed to have continued, and be continuing, in office pending the appointment and qualification of their successors, and their successors shall forthwith be appointed for terms of four years calculated to have commenced as of the date as of which the terms of such present members are deemed to have expired.

§ 4. Section 247.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall be composed of nine members, as follows:

(a) The Governor;

(b) The Commissioner;

(c) The Dean of the College of Agriculture of the University of Kentucky; and

(d) Six members appointed from the state at large by the Governor as provided in this section, with due consideration to geographical distribution throughout the state.

(2) The terms of the present six appointed members of the board shall be for four years, dating from the beginning of the terms for which they were respectively appointed, and until their successors are appointed and qualify, the beginning date being calculated as of December 12, 1944, for two of the terms, December 12, 1945, for two of the terms, and December 12, 1946, for two of the terms. As the terms of each group of two members expire, the Governor shall appoint successors for terms of four years and until their successors are appointed and qualify. Beginning with the appointments to be made for the terms that will commence December 12, 1948, one member of the first group of two successor members to be appointed shall be appointed from a list of six nominees submitted to the Governor by the governing body of the Kentucky Purebred Livestock Association; one member of the second such group shall be appointed from a list of six nominees so submitted by the governing body of the American Saddle Horse Breeders Association; and one member of the third such group shall be appointed from a list of six nominees so submitted by the board of directors of the Kentucky Farm Bureau Federation. The other member of each group of two successor members so appointed shall not be of the same political affiliation as the appointee selected from the nominees submitted by the named organizations, it being the intention hereof that the six members so appointed by the Governor three shall be appointed from each of the two political parties polling the largest number of votes in the state at general elections.

(3) In case of a vacancy among the appointed members of the board, the unexpired term so occurring shall be filled by the Governor, who shall appoint a person having the same required qualifications as the person who theretofore held such office.

§ 5. Section 313.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Kentucky State Board of Dental Examiners shall consist of five practicing dentists, each appointed by the Governor from a list of three names recommended by the Kentucky State Dental Association at its annual meeting. One member shall be appointed each year, except that every fourth year, beginning with 1951, two members shall be appointed.

(2) Each member shall have been an actual resident and licensed practicing dentist of this state for not less than five years immediately preceding his appointment to the board. He shall not be in any way connected with or interested in any dental college or dental department of any institution of learning or dental supply business.

(3) Each member of the board shall hold office for four years, and until his successor is appointed and qualifies. The term of the member of the present board appointed under the former statute for a term beginning in 1943 shall be deemed to have expired in 1947, but he shall be deemed to have continued in office pending the appointment and qualification of his successor, who shall be appointed for a term of four years calculated as if it had begun in 1947, the appointment to be made from the list of names last submitted.

(4) Any vacancy shall be filled by the Governor from the list mentioned in subsection (1) of this section.

(5) Each member of the board shall receive any necessary expenses incurred in attending its meetings. Each member except the secretary-treasurer shall receive as compensation ten dollars for each day actually engaged in the duties of his office. The secretary-treasurer shall be allowed a reasonable salary fixed by the board.

§ 6. Section 315.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Kentucky Board of Pharmacy shall consist of five members.

(2) Beginning with the year 1948, at its regular annual meeting the association shall select and submit to the Governor one list of five persons and one list of three persons, each of whom has had at least five years' experience in compounding and dispensing physicians' prescriptions in this state. The Governor shall, before November 1 of each year, appoint one person from each list so submitted, to take office on January 1 following. Not more than two members of the board shall be residents of the same county.

(3) The term of each board member appointed from the list of five persons shall be four years, and the term of each person appointed from the list of three persons shall be one year, and each shall serve until his successor is appointed and qualified, unless removed for cause. No member shall be so reappointed that he will serve for more than five consecutive years. The member appointed each year for a four year term shall succeed the member whose one year term is expiring that year, and the member appointed each year for a one year term shall succeed the member whose four year term is expiring that year.

(4) The Governor shall fill any vacancy from the names last submitted.

(5) Within ten days after he receives his appointment each member shall take and subscribe to an oath before a competent officer, to perform the duties of his office faithfully and impartially. The oath shall be inscribed upon his commission.

(6) Three members of the board shall constitute a quorum.

§ 7. Section 147.010 of the Kentucky Revised Statutes is amended to read as follows:

The Kentucky Progress Commission shall be attached to the Division of Publicity in the Department of Conservation.

It shall consist of twelve members. The Governor shall be an ex officio member, and the other members shall be appointed by him. They shall serve without compensation, and at the pleasure of the Governor, but not for a term in excess of four years.

§ 8. Section 147.200 of the Kentucky Revised Statutes is amended to read as follows:

The Commission shall consist of the Governor, the Commissioner of Highways, the Director of the Division of Parks, the State Highway Engineer, the Mayor of Frankfort, and two private citizens of Frankfort who are well qualified to pass upon questions involving the capital planning and zoning ordinances and who shall be appointed by the Governor. The Governor shall serve as chairman. Members shall serve without pay. The appointed members shall serve for terms of four years, subject to removal at the pleasure of the Governor.

§ 9. Whereas, serious doubt and great uncertainty exists as to the length and duration of the terms of the members of the various state boards and commissions, and the efficient administration of the state government is thereby impaired, an emergency is declared to exist and this Act shall become effective upon its passage and the approval of the Governor.

Mr. Whitlow offered the following amendment to said bill, viz.:

Amend printed copy of Senate Bill No. 297, on page 5, section 4, lines 23, 28 and 29.

Amend Senate Bill No. 297 in the House of Representatives by inserting, after the word "nominees" in line 23 of Section 4 on page 5, the words "consisting of three names from each of the two political parties polling the largest number of votes in the state at general elections".

And by substituting the words "governing body" in lieu of the words "board of directors" in lines 28 and 29 of Section 4 on page 5.

Said amendment to said bill was agreed to.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	Amos Runyan
Jason Alford	Clyde S. Howard	Glenn Rushing
Levi Baker	Ira W. Hulette	Dr. K. N. Salyer
Bernhardt Bauer	Laban P. Jackson	D. B. Saylor
C. E. Baumgardner	Kerby Jennings	Paul E. Shannon
Fred Beshear	J. Ernest Jones	James S. Shaw
Isaac M. Blevins	Ereel Kozee	Harry Smith
Chas. J. Bronston	W. E. McClure	Chas. L. Spillman
Chas. W. Burnley	E. H. Martin	John M. Stumbo
A. H. Calvert	Walter Moorman	G. C. Thornton
Robert Collins	Fred H. Morgan	Wilford S. Travis
Everett T. Cooper	E. C. Mullins	W. J. Ward
Horace T. Cull	Thomas A. Nœe, Jr.	John C. Watts
B. G. Davidson	H. C. Patterson	Lawrence Watts
G. I. Drury	L. W. Preston	Morris Weintraub
Kermit Dwyer	E. F. Prichard	Rodney Whitlow
Henry J. Giles	Hobart Rayburn	Geo. F. Williamson
Henry C. Hale	Ottis Roberts	Charles W. Wirsch
N. M. Hamilton	F. L. Robinson	
Carson Hibbitts	Lilburn S. Rogers	

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Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. No. 490. An Act relating to judicial districts; making changes in the apportionment of counties to the Twenty-fourth and Thirty-first Districts in order to comply with the meaning and intent of the Constitution with respect to division of the state into judicial districts; providing for the continuation in office of the present circuit judges and Commonwealth's attorneys; providing for the terms of court in each district affected by this Act; and repealing Senate Bill No. 252 of the 1948 General Assembly to the extent of any conflict.

Said bill is as follows, viz.:

Whereas, the General Assembly has given due regard to the elements of territory, business, and population involved in the division of the state into judicial districts; and

Whereas, with such due regard, the General Assembly has found the following facts to exist:

1. That, according to recent reliable statistics, the population of Floyd County is in excess of 60,000; that such county is an industrial county in which there is an abnormal amount of litigation; and that the volume of business in the circuit court of such county is such that, when combined with the business of any other county, it is impossible for the court to transact the business without a long period of delay and serious prejudice to the rights of litigants who are unable to obtain reasonably prompt disposition of their litigation.

2. That the territory embracing the counties of Johnson, Martin and Lawrence is such as to make it convenient and advantageous that those counties be joined in one judicial district; the population of those counties is such as is contemplated by the Constitution to be included in one judicial district; and the business of the courts in those counties will be expedited by combining those counties in one judicial district.

Whereas, the General Assembly finds it to be the intent and purpose of Sections 128 and 132 of the Constitution that the General Assembly may establish such number of judicial districts as may be required by reason of the exigencies of territory, business and population, not exceeding one district for each 60,000 of population of the state, excluding the districts in counties having a population of 150,000; and that the Constitution contemplates that whether there shall be more than one county in any judicial district depends solely upon the exigencies of territory, business and population, with the express intention that the population in any district be as near to 60,000 as practicable, regardless of the number of counties therein, and with the exception prescribed in Section 138 of the Constitution that certain counties shall have the privilege of constituting separate districts even though their population is not as much as 60,000:

Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Twenty-Fourth and Thirty-First Judicial Districts shall hereafter be composed of the following counties:

Twenty-Fourth District. Johnson, Martin and Lawrence.

Twenty-First District. Floyd.

§ 2. The present circuit judge and Commonwealth's attorneys for the Twenty-Fourth and Thirty-First Judicial districts, as previously constituted, shall retain their respective offices, for the terms for which they were elected, for the said districts as they have been changed under this Act, provided that the present Commonwealth's attorney for the Thirty-First district, being a resident of Knott County, shall not be entitled to retain his office unless he shall remove his residence, before the expiration of his term, into the Thirty-First District as constituted under this Act.

§ 3. The regular term of each court in the Twenty-Fourth and Thirty-First Judicial Districts shall commence in each county as the following named time, and continue, if

the business requires it, the number of days hereinafter prescribed:

Twenty-Fourth District. Johnson County, at Paintsville, on the second Monday in February, the second Monday in June and the second Monday in November, twenty-four juridical days each.

Martin County, at Inez, on the second Monday in January, the second Monday in May, and the second Monday in September, eighteen juridical days each.

Lawrence County, at Louisa, on the second Monday in March, the second Monday in July, and the second Monday in October, eighteen juridical days.

Thirty-First District. Floyd County, at Prestonsburg, on the first Monday in January, the first Monday in March, the first Monday in April, and the first Monday in May, twenty-four juridical days each; on the second Monday in August, thirty juridical days; and on the first Monday in October, twenty-four juridical days.

§ 4. This Act is intended to supersede and repeal Senate Bill No. 252 of the 1948 session of the General Assembly to the extent of any conflict, and particularly insofar as said Senate Bill No. 252 prescribes what counties shall be assigned to the Twenty-Fourth and Thirty-First Judicial Districts, the terms of court in the Twenty-Fourth and Thirty-First Judicial Districts and the terms of office of the circuit judges and Commonwealth's attorneys for those districts.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	L. W. Preston
Jason Alford	James P. Hanratty	Ottis Roberts
Roy W. Arnold	Carson Hibbitts	F. L. Robinson
Earl F. Ashcraft	E. R. Hilton	Lilburn S. Rogers
Sidney Baer	C. J. Holsclaw	Amos Runyan
Levi Baker	Clyde S. Howard	Glenn Rushing
Bernhardt Bauer	Ira W. Hulette	Dr. K. N. Salyer
Fred Beshear	Laban P. Jackson	D. B. Saylor
Isaac M. Blevins	Kerby Jennings	Paul E. Shannon
Chas. J. Bronston	Paul S. Jonas	James S. Shaw
Chas. W. Burnley	J. Ernest Jones	Harry Smith
Paul Carter	Ercel Kozee	Chas. L. Spillman
George I. Cline	W. E. McClure	Geo. W. Steinfeld
Robert Collins	E. H. Martin	John M. Stumbo
Everett T. Cooper	C. D. Moberly	G. C. Thornton
Perry M. Cross	Archie R. Moore	Wilford S. Travis
Horace T. Cull	Walter Moorman	John C. Watts
B. G. Davidson	Fred H. Morgan	Lawrence Watts
G. I. Drury	E. C. Mullins	Morris Weintraub
Kermit Dwyer	Thomas A. Noe, Jr.	Rodney Whitlow
Henry C. Hale	Joe E. Nunn	Charles W. Wirsch

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There voted in the negative—

W. J. Ward

—1

Resolved that the title thereof be as aforesaid.

Mr. Stumbo moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had adopted a resolution which originated in that body of the following title, viz.:

S. Res. No. 77. A Resolution directing the Legislative Research Commission immediately upon its organization, to

undertake a study relative to State employment on a merit basis, and a pension and retirement system for all State employees, and providing for a report thereon.

Said resolution is as follows, viz.:

Whereas, there are many thousands of persons now employed by the Commonwealth of Kentucky, including persons who possess the highest of technical and professional qualifications, and

Whereas, many of such employees have devoted their entire adult lives to the rendition of services to the Commonwealth and to the public, and

Whereas, there is no provision under existing law which will secure to such employees any tenure of office or which will secure them in continued employment, nor is there any provision of law whereby the Commonwealth of Kentucky provides for retirement allowances for those persons so employed, and

Whereas, it is the consensus of the General Assembly of the Commonwealth of Kentucky that provision should be made by law for a system under the terms of which certain classified employees of the Commonwealth should be given some security in their employment, and that in connection therewith provision should be made by law for a retirement system for those employees who are in classified service and who have devoted many years in the interest of the Commonwealth:

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. The Legislative Research Commission be and it hereby is directed, immediately after its organization, to undertake a study and investigation of all persons employed in the service of the Commonwealth with the view of acquiring sufficient data necessary to the preparation of legislation which will provide some security of employment of such per-

sons, and for the creation of a system for the retirement of such employees, and in connection therewith the said Commission shall also examine and make a study of the laws of other states and of the United States which will be helpful or informative in the preparation of the legislation above referred to, and shall acquire and assimilate such other information or make such actuarial studies as may be required in order that the purposes of its study can be best effected.

2. Immediately upon the completion of the aforesaid investigation and study, the Legislative Research Commission shall prepare, or cause to be prepared, legislation which will provide for some security for persons employed in classified service of the Commonwealth and for the retirement of such persons, and such legislation, after preparation, shall thereupon be submitted to the Governor for submission to the first session of the General Assembly which convenes thereafter.

Ordered that said resolution be placed upon the Clerk's desk.

Mr. John C. Watts moved that the House do now adjourn to meet again at 9:30 o'clock, a. m., Thursday, March 18, 1948.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, MARCH 18, 1948.

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend Paul Stauffer, pastor of the First Christian Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	Carson Hibbitts	J. H. Polsgrove
Jason Alford	E. R. Hilton	L. W. Preston
Roy W. Arnold	C. J. Holsclaw	E. F. Prichard
Earl F. Ashcraft	Richard R. Houpt	Hobart Rayburn
Sidney Baer	Clyde S. Howard	Ottis Roberts
Levi Baker	D. W. Howard	F. L. Robinson
C. E. Baumgardner	M. G. Howard	Lilburn S. Rogers
Fred Beshear	R. N. Hubbard	Amos Runyan
Isaac M. Blevins	Ira W. Hulette	Glenn Rushing
Chas. J. Bronston	Laban P. Jackson	Dr. K. N. Salyer
Mrs. Mary Burnett	Kerby Jennings	D. B. Saylor
Chas. W. Burnley	Paul S. Jonas	LeRoy Saylor
A. H. Calvert	J. Ernest Jones	James J. Shannon
Paul Carter	L. H. Jones	Paul E. Shannon
Earl W. Christian	Ercel Kozee	James S. Shaw
George I. Cline	Harry K. Lowman	Chas. L. Spillman
Robert Collins	W. E. McClure	Geo. W. Steinfeld
Everett T. Cooper	Ed Marcum	John M. Stumbo
Perry M. Cross	F. G. Marquette	Albert Thomason
Horace T. Cull	E. H. Martin	G. C. Thornton
B. G. Davidson	C. D. Moberly	W. R. Tipton
Owen Deering	Archie R. Moore	Wilford S. Travis
G. I. Drury	Davis Moore	W. J. Ward
Kermit Dwyer	Walter Moorman	John C. Watts
Henry J. Giles	E. C. Mullins	Lawrence Watts
Otto W. Goff	Stanley Murphy	Morris Weintraub
Henry C. Hale	Thomas A. Noe, Jr.	Lynn Boyd Wells
N. M. Hamilton	Harmon S. Overby	Rodney Whitlow
James P. Hanratty	H. C. Patterson	Geo. F. Williamson
Dennis Henderson	H. M. Pewitt	Charles W. Wirsch

Dr. Salyer moved that the reading of the Journal of the House of the proceedings of Wednesday, March 17, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Whitlow moved that the privilege of the floor be extended to Mr. Kirkpatrick.

Said motion was agreed to.

Mr. Holsclaw moved that the privilege of the floor be extended to Mr. Charles Keller.

Said motion was agreed to.

Mr. Mullins offered a copy of the Report of the Committee heretofore appointed by the House to hear the contest of Gilligan vs. Robinson, and moved that same be spread upon the Journal.

Said motion was agreed to.

Said report is as follows, viz.:

REPORT OF
A
SPECIAL COMMITTEE OF INVESTIGATION
of the
HOUSE OF REPRESENTATIVES

FOREWORD

The Committee chosen by this House to investigate and determine the legality and validity of the certificate heretofore issued to Freeman L. Robinson by the Election Commissioners of Jefferson County, certifying his election to the office of Representative from the Thirty-Fifth Legislative District, after careful examination of the records available, and thoughtful consideration of the facts therein disclosed, wishes to make the following report:

I

FACTUAL RECORD; POINTS OF AGREEMENT;
CONTENTIONS

A. 1. At an election held Nov. 4, 1947, candidates Michael B. Gilligan, and Freeman L. Robinson, each received

the same number of votes for the office of Representative, the election resulting in a tie.

2. On Nov. 24, 1947, the Election Commissioners determined by lot that Freeman L. Robinson was elected.

3. November 25, 1947, Gilligan filed in Jefferson Circuit Court to enjoin the Commission from issuing the Certificate to Robinson. The injunction was denied and the certificate issued.

4. On Dec. 16, Motion made by Gilligan to enjoin the Commission to re-assemble and cancel the certificate issued to Robinson, and certify the exact returns of the election to the Clerk of the House of Representatives. The injunction denied.

5. Motion by Gilligan to the Court of Appeals to grant the injunction which the trial court had denied. Motion overruled.

B. Points of Agreement:

- (1) No dispute as to regularity of election.
- (2) No question about the qualifications of either candidate raised.
- (3) There is no contest of election.
- (4) Admitted that Election Commission followed provisions of Sec. 118.400 in deciding by lot that Robinson was elected.
- (5) No intimation of unfairness in method of holding lottery.

C. The plaintiff's point of contention is that the sole right, power, and duty to break a tie in an election for State Representative, rests in the House, and is not affected by either Sec. 153 of the Constitution, nor by K.R.S., Sec. 118.400; and that the power of the Election Commission in case of such tie vote, is limited to certifying such tie vote to the legislative body.

II

CONSTITUTIONAL AND STATUTORY PROVISIONS
RELATING TO CONTENTION

A. Sec. 38, Constitution of Kentucky: Each House of the General Assembly shall judge of the qualifications, elections, and returns of its members, but a contested election shall be determined in such manner as directed by law."

(1) The contention that the sole right, power and duty to break a tie in an election for State Representative is vested in the House of Representatives by Sec. 38 above, and that such power is not affected by Sec. 153 of the Constitution, nor by K.R.S. 118.400, cannot be maintained.

(2) The power of the General Assembly in the matter of judging its members is not arbitrary nor unlimited, as is shown by the fact that Sec. 32 of the Constitution fixes the qualifications of members, and that Sec. 153 authorizes provision by law for the manner of voting (election), for ascertaining the results, and making due returns and for trial of contested elections.

(3) These co-ordinate provisions limit the power of each House of the General Assembly to judging of qualifications, elections, and returns of its members in contested elections, which, under Sec. 38, "shall be determined—as directed by law." There is no contest of the election in the instant case.

B. (1) Contention for the plaintiff that Sec. 38 of the Constitution is the exception referred to by the phrase, "except as otherwise herein provided," in Section 153, appears far-fetched. Sections 145 to 152, inclusive, just preceding, and Section 154, immediately following Sec. 153, contain numerous express provisions concerning Suffrage and Elections. Obviously the exception noted in Sec. 153 refers to these express and proximate provisions, rather than to Section 38, which together with Sections 29 to 58, inclusive, deals with the Legislative Department, a division far removed in both sequence and subject matter from Sec. 153 dealing with suffrage and elections.

(2) Sec. 155 expressly states that the preceding Secs. 145 to 154, inclusive, shall not apply to the election of school trustees. Reasonably, it can be assumed from this fact, that, were it not meant that those same provisions should apply to elections of members of the General Assembly, it would have been expressly so stated, as in the instance of school trustees.

(3) No such reasonable foundation exists for the assumption that K.R.S. 118.400, a general law passed pursuant to Sec. 153 of the Constitution, and relating specifically to a tie vote, as in the instant case, does not apply to members of the General Assembly.

(4) There is still less logic in the assertion that Section 38 gives each House of the General Assembly sole and unlimited power over the elections of its members, in defiance of Constitutional and Statutory provisions specifically regulating such elections. Such interpretation and application of the Constitution and Statutes would lead to chaos, and endanger the existence of our elective system of Representative Government.

(5) Fortunately, we have a government of laws, not of men. Even Legislators are not above the laws they enact, but must be governed thereby, even as the humblest citizen in our Commonwealth must, also, do. If this House has arbitrary and unlimited power in the case of all present members, and all our certificates are valid only by the sufferance of a majority of the elected membership, and subject to revocation at the unfettered will of such majority. The potentialities of such a doctrine portend evil consequences.

(6) The further suggestion that the mere passing of a House Resolution declaring that "the sole power to judge, determine, and break such a tie vests in the House of Representatives;" nullifies the effect of K.R.S. 118.400, and precludes its application in the present situation, is patently preposterous. Under our system the power to nullify, set aside or bar application of a law in any case, rests solely in the judicial, not the legislative branch of government.

III

CONCLUSION

There being no dispute as to regularity of the election; no question about the qualifications of either of the candidates; no objection to the manner of counting and tabulating the votes cast; no question of a contest of the election; no denial that the Election Commission followed the provisions of Sec. 118.400 K.R.S. in deciding by lot that Robinson was elected; no intimation of any unfairness in the method of holding the lottery; and, since the action of the Election Commission in awarding to Robinson the certificate of election has been twice upheld by rulings of Jefferson Circuit Court, and once affirmed by the Court of Appeals.

Now, therefore, we, the Committee, acting by authority vested in us by a resolution of this House, and proceeding under instructions therein set out, have determined that the certificate heretofore issued to Freeman L. Robinson by the Board of Election Commissioners of Jefferson County, Kentucky, is legal and valid; and it is the further opinion of this Committee that he, Freeman L. Robinson, is justly entitled to the right to the office of Representative of the Thirty-Fifth Legislative District, which he now holds, and we, hereby, so report to this House of Representatives, which the request that the report be adopted, and that this Committee be discharged by his Honorable Assembly.

Signed: 1/16/48.

E. C. MULLINS, Chairman

J. Ernest Jones

D. B. Saylor

Isaac Blevins

Charles W. Wirsch

H. G. Marquette

Ed Marcum

Members of Investigating Comm.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz.:

S. B. No. 102. An Act relating to the election of members of boards of education in county school districts and independent school districts; amending K.R.S. 150.210(1), 160.230 and 160.260(1).

S. B. No. 162. An Act relating to the handling, sale and distribution of barbiturates.

S. B. No. 283. An Act relating to rental contracts of Boards of Education in securing buildings, as provided by Sections 162.120 through 162.300, or Chapter 58, Kentucky Revised Statutes, and approval of budgets including funds for carrying out the terms of these contracts.

S. B. No. 284. An Act to repeal Subsection (2) of Section 297.070 of the Kentucky Revised Statutes, relating to reports and statements of insurance companies.

S. B. No. 314. An Act relating to flood control and water usage; creating a new Division of the Department of Conservation and defining its powers and duties; and making an appropriation.

S. B. No. 332. An Act relating to budget and financial administration of the State Government, with particular relation to revolving, trust and agency funds; amending K.R.S. 45.140 of the Kentucky Revised Statutes.

S. B. No. 344. An Act relating to merger of independent school districts with county school districts.

S. B. No. 342. An Act creating the Kentucky Building Commission for the purpose of authorizing, approving and supervising the expenditure of State Funds for certain State agencies and institutions, for purposes of capital outlay and defining the powers and duties of such Commission; etc.

S. Res. No. 47. A Resolution authorizing E. H. Marhoefer, Jr., Company to sue the Commonwealth of Ken-

tucky; authorizing a compromise or settlement of such claim or suit; and providing for the payment of any judgment obtained or the amount of any settlement agreed upon.

S. Res. No. 61. A Joint Resolution authorizing payment of the claim of Claud Duff, Sheriff of Owsley County, for services rendered in the return of a fugitive from Justice, and making an appropriation for the purpose.

S. Res. No. 62. A Joint Resolution authorizing the payment of a claim of Chris H. Glanz, Jr., of Louisville, Kentucky, against the Commonwealth of Kentucky.

S. Res. No. 63. A Joint Resolution providing for the payment of per diem to the Assistant Clerk and the Chief Clerk of the 1944 First and Second Extraordinary Sessions of the General Assembly of Kentucky.

S. Res. No. 65. A Joint Resolution authorizing the personal representative of Bernard J. Berghaus, deceased, to sue the Commonwealth of Kentucky; recognizing, acknowledging and validating the moral obligation of the Commonwealth of Kentucky for the wrongful death of the said Bernard J. Berghaus; authorizing the Attorney General to compromise or settle said claim; and providing for the payment of any judgment rendered or settlement effected.

S. B. No. 327. An Act amending K.R.S. 382.430, relating to recording of instruments securing indebtedness.

S. B. No. 168. An Act to amend and re-enact Sub-Section 38 of Section 23.050 of Kentucky Revised Statutes.

S. B. No. 317. An Act relating to the holding of real estate by a religious society; amending subsection (1) of Section 273.090 of the Kentucky Revised Statutes.

S. B. No. 95. An Act to repeal, amend and re-enact Section 95.768 Kentucky Revised Statutes, 1946 Edition, pro-

viding for the establishment of a police and fireman's pension fund in cities of the fourth class and for the source, custody, investment and disbursement of said fund.

S. B. No. 223. An Act relating to motor vehicles, with particular reference to the granting of operator's licenses.

S. B. No. 325. An Act relating to various things required to be published or advertised in newspapers; including provisions for the preparation, filing and publication of certain financial statements by public officers, the publication of information concerning persons returned by the sheriff on his return of tax warrants, and other provisions relating to newspaper publications or advertisements required by law.

S. B. No. 347. An Act establishing certain taxing districts under Section 157 of the Constitution of Kentucky, and authorizing the levy and collection of taxes by such districts.

S. B. No. 331. An Act relating to the administrative organization of the state government, with particular relation to the enumeration of the constitutional administrative department; amending K.R.S. 12.020.

S. B. No. 334. A Bill prohibiting the furnishing of information by any telegraph, telephone or messenger or wire service, to be used by any betting establishment or handbook concerning any horse race or races in or out of the State of Kentucky, and prescribing penalty for violation of this statute.

With Committee amendments thereto.

S. B. No. 223. An Act relating to motor vehicles, with particular reference to the granting of operator's licenses.

Ordered that said bills and said resolutions be read at length the second time.

Mr. John C. Watts moved that the Constitutional provision as to the second reading at length of said bills and

said resolutions be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and said resolutions having been dispensed with, said bills and said resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 242. An Act relating to licensing of motor vehicle operators.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person except those exempted by KRS 186.420, 186.430 and 186.450, before operating a motor vehicle upon a highway, shall secure an operator's license at the time and for the periods specified as follows:

(a) Persons whose family names begin with the letters "A" to "K" inclusive shall before August 1, 1952, secure a license for the ensuing two-year period, and biennially thereafter. The fees for this license shall be \$2.00.

(b) Persons whose family names begin with the letters "L" through "Z" inclusive shall before August 1, 1952, secure a license for one year for which the fee shall be \$1.00. Such

persons shall before August 1, 1953 secure a license for the ensuing two-year period and biennially thereafter. The fee for this license shall be \$2.00.

(c) Any person whose family name shall be changed from one alphabetical group to the other hereinafter described shall have his license renewed for such period as will place him in the proper alphabetical group. The fee for this renewal shall be \$1.00.

(d) The fee for original licenses obtained after August 1, 1952, may be pro-rated in accordance with regulations which the Department shall prescribe.

Section 2. There shall be a penalty of \$1.00 for the renewal of any license which is renewed after the date on which it expires by operation of this or any other law.

Section 3. The clerk shall retain 25 per cent of all fees and penalties for the issuance of licenses, and shall forward to the Department the remainder of all fees, penalties and other monies collected under the provisions of KRS 186.400 to 186.640, of which the Department shall retain $7\frac{1}{2}$ per cent of all fees and penalties for the issuance of licenses, and shall pay the remainder into the State Treasury.

Section 4. Section 186.420 of the Kentucky Revised Statutes is repealed, amended and re-enacted to read as follows:

(1) No person need obtain an operator's license to operate a road roller, road machinery or any tractor or implement or husbandry, temporarily drawn or propelled on the highways.

(2) Every person in the service of the Army, Navy or Marine Corps of the United States, when furnished with an operator's permit from the United States, shall be exempt from an operator's license, when operating an official vehicle in the course of his service.

Section 5. Section 186.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (3) and (5) of this section, every applicant for an instruction permit or an operator's license shall apply in person to the circuit clerk of the county in which he resides and make application upon a form furnished by the department. The applicant shall make oath to the circuit clerk as to the truthfulness of the statements contained in the form.

(2) Every application shall contain the full name, date of birth, sex, race, and resident address of the applicant and briefly describe him. It shall also state whether the applicant has previously been licensed as an operator and if so, when and by what state or country, whether any license has ever been canceled, revoked or refused, and if so, the date of reason for the cancellation, suspension, denial, revocation or refusal, and such other information as may be required.

Except as provided in subsection (5), any licensed operator whose license has not been suspended or revoked may procure a biennial renewal of his license, by applying in person at the office of the circuit court clerk or by sending to the clerk by another person or by mailing his license certificate for the previous year, together with the license fee and a three-cent postage stamp. Upon receipt of any application for renewal by mail, accompanied by the certificate, the fee and the stamp, the circuit court clerk shall issue a new license to such person and mail the license to him.

Section 6. Section 186.480 of the Kentucky Revised Statutes is repealed, amended and reenacted to read as follows:

(1) The Highway Patrol may examine every applicant for an operator's license except as otherwise provided in this section. The examination shall be held in the county where the applicant resides unless the applicant is granted written permission by the circuit clerk of the county in which he resides, to take the examination in another county, and the Highway

Patrol agrees to arrange for the examination in the other county. The examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of traffic laws and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(2) Any person whose operator's license is denied, suspended or revoked for cause, shall apply for reinstatement at the termination of the period for which the license was denied, suspended or revoked by submitting to the examination.

Section 7. Section 186.500 of the Kentucky Revised Statutes is amended to read as follows:

Every license certificate shall bear a distinguishing number, the name, date of birth, resident address and a brief description of the licensee, the signature of the licensee, which shall be affixed in the presence of the circuit clerk or his deputy, except as provided in subsection (3) of KRS 186.460, the expiration date of the license, and such other information as the department may reasonably require.

Section 8. Section 186.530 of the Kentucky Revised Statutes is repealed.

Section 9. Section 186.600 of the Kentucky Revised Statutes is amended to read as follows:

No person under the age of twenty-one shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to or from school, or to drive a motor vehicle while it is in use as a public passenger-carrying vehicle.

Section 10. This Act shall become effective with the license year beginning August 1, 1952.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, weer as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Dennis Henderson	L. W. Preston
Jason Alford	Carson Hibbitts	E. F. Prichard
Sidney Baer	E. R. Hilton	Hobart Rayburn
Levi Baker	C. J. Holsclaw	Ottis Roberts
C. E. Baumgardner	Richard R. Houpt	Amos Runyan
Fred Beshear	Clyde S. Howard	Glenn Rushing
Isaac M. Blevins	Ira W. Hulette	Dr. K. N. Salyer
Chas. J. Bronston	Laban P. Jackson	D. B. Saylor
Mrs. Mary Burnett	Kerby Jennings	LeRoy Saylor
Chas. W. Burnley	Paul S. Jonas	James J. Shannon
Paul Carter	J. Ernest Jones	James S. Shaw
George I. Cline	Ercel Kozee	Chas. L. Spillman
Robert Collins	W. E. McClure	Geo. W. Steinfeld
Everett T. Cooper	F. G. Marquette	G. C. Thornton
Horace T. Cull	E. H. Martin	W. R. Tipton
G. I. Drury	Archie R. Moore	John C. Watts
Kermit Dwyer	Davis Moore	Morris Weintraub
Henry J. Giles	Walter Moorman	Rodney Whitlow
Otto W. Goff	E. C. Mullins	Geo. F. Williamson
Henry C. Hale	Stanley Murphy	Charles W. Wirsch
N. M. Hamilton	Thomas A. Noe, Jr.	
James P. Hanratty	H. M. Pewitt	

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Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 197. An Act relating to the establishment in Kentucky of medical hospitals and related services, creating a division in the Department of Health to establish and regulate such services, and authorizing said division to ac-

cept on behalf of the Commonwealth of Kentucky, and to disburse any grants, gifts or contributions now or hereafter made by the Federal Government, or from any other sources, to aid and assist in carrying out the purposes and provisions of the Federal Public Law No. 725 (79th Congress), Chapter 958, 2nd Session, or any other acts for the same or similar purposes, and providing an appropriation to the Kentucky Department of Health to enable it to meet conditions to secure grants, gifts or contributions, and to pay the necessary expenses of the division herein authorized.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. There is hereby created and established a Division of Medical Hospitals and related services in the Department of Health, which shall:

(a) Protect and promote the health of the general public through studies and surveys of the needs in relation to medical and surgical hospital facilities and related services.

(b) Disseminate such knowledge and information as will aid in providing the facilities and services to meet the needs found to exist in the State.

(c) Be herewith authorized to accept and receive on behalf of the State any grants, gifts or contributions now or hereafter made by the Federal Government, or from any other source, to the Commonwealth of Kentucky to aid and assist in carrying out the purpose and provisions of Public Law No. 725 (79th Congress), Chapter 958, 2nd Session, or any other acts for the same or similar purposes.

(d) Convert all funds received from grants, gifts or contributions into the State Treasury which shall be placed in a revolving fund to be disbursed on authorization of the Commissioner of Health with the approval of the Commissioner of Finance.

(e) Counsel and advise counties and communities seeking aid in the construction of hospitals and medical centers and related services, as provided in Public Law No. 725 (79th Congress), Chapter 958, 2nd Session, receive applications for such aid and transmit same to the Surgeon General of the United States of America for approval.

(f) Employ such personnel as is necessary and required to carry out the provisions of this Act.

(g) Appoint an Advisory Council in accordance with the provisions of Public Law No. 725 (79th Congress), Chapter 958, 2nd Session, with approval of the Governor to aid and advise in determining State needs and to consider plans to meet such needs.

(h) Make such regulations as are necessary to carry out the provisions and intentions of this Act and set up such standards and regulations pertaining to conduct and operation of (hospitals) institutions receiving benefits under the terms of this Act as are necessary to conform with the Federal regulations and standards promulgated under Public Law No. 725 (79th Congress), Chapter 958, 2nd Session.

Sec. 2. There is hereby appropriated to the Department of Health out of the general expenditure fund of Kentucky the sum of (\$30,000.00) Thirty Thousand Dollars for the year 1948-49 and (\$30,000.00) Thirty Thousand Dollars for 1949-50 to carry out the purpose of this Act.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken therein in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	H. C. Patterson
Jason Alford	Dennis Henderson	L. W. Preston
Roy W. Arnold	Carson Hibbitts	E. F. Prichard
Sidney Baer	E. R. Hilton	Hobart Rayburn
Levi Baker	C. J. Holsclaw	Ottis Roberts
C. E. Baumgardner	Richard R. Houpt	Lilburn S. Rogers
Fred Beshear	Clyde S. Howard	Amos Runyan
Isaac M. Blevins	Ira W. Hulette	Glenn Rushing
Chas. J. Bronston	Laban P. Jackson	Dr. K. N. Salyer
Mrs. Mary Burnett	Kerby Jennings	D. B. Saylor
Chas. W. Burnley	Paul S. Jonas	LeRoy Saylor
A. H. Calvert	J. Ernest ones	James S. Shaw
Paul Carter	Ercel Kozee	Chas. L. Spillman
George I. Cline	W. E. McClure	Geo. W. Steinfeld
Robert Collins	F. G. Marquette	John M. Stumbo
Everett T. Cooper	E. H. Martin	G. C. Thornton
Horace T. Cull	C. D. Moberly	W. R. Tipton
G. I. Drury	Archie R. Moore	John C. Watts
Kermit Dwyer	Davis Moore	Morris Weintraub
Henry J. Giles	Walter Moorman	Rodney Whitlow
Otto W. Goff	E. C. Mullins	Geo. F. Williamson
Henry C. Hale	Thomas A. Noe, Jr.	Charles W. Wirsch
N. M. Hamilton	Harmon S. Overby	—68

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 299. An Act appropriating funds to the Division of Parks for recurring costs of operations of Kentucky Dam Village and property in its vicinity.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated to the Division of Parks, out of the General Expenditure Fund in the State Treasury, the sum of \$35,000.00 for the fiscal year beginning July 1, 1948, and the sum of \$35,000.00 for the fiscal year beginning July 1, 1949, to be used solely for paying the recurring costs of operation of Kentucky Dam Village and property in its vicinity located near Gilbertsville, Ky., which may be transferred to the Commonwealth of Kentucky by deed or which may be leased by the Division of Parks from the Tennessee Valley Authority to be operated as a part of the state park system.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Kermit Dwyer	L. H. Jones
Jason Alford	Otto W. Goff	Ercel Kozee
Sidney Baer	Henry C. Hale	W. E. McClure
Levi Baker	N. M. Hamilton	Ed Marcum
C. E. Baumgardner	James P. Hanratty	F. G. Marquette
Fred Beshear	Dennis Henderson	E. H. Martin
Chas. J. Bronston	Carson Hibbitts	C. D. Moberly
Mrs. Mary Burnett	E. R. Hilton	Archie R. Moore
Chas. W. Burnley	C. J. Holsclaw	Davis Moore
A. H. Calvert	Richard R. Houpt	Walter Moorman
Paul Carter	Clyde S. Howard	E. C. Mullins
George I. Cline	Ira W. Hulette	Stanley Murphy
Everett T. Cooper	Laban P. Jackson	Thomas A. Noe, Jr.
Perry M. Cross	Kerby Jennings	H. C. Patterson
Horace T. Cull	Paul S. Jonas	H. M. Pewitt
G. I. Drury	J. Ernest Jones	L. W. Preston

E. F. Prichard	James J. Shannon	W. R. Tipton
Hobart Rayburn	James S. Shaw	John C. Watts
Ottis Roberts	Chas. L. Spillman	Morris Weintraub
Lilburn S. Rogers	Geo. W. Steinfeld	Rodney Whitlow
Amos Runyan	John M. Stumbo	Geo. F. Williamson
Glenn Rushing	G. C. Thornton	Charles W. Wirsch
Dr. K. N. Salyer		—67

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 313. An Act repealing, amending and re-enacting sub-section 2 of Section 12.050 of the Kentucky Revised Statutes relating to compensation of certain officers and employees paid from funds appropriated to statutory administrative departments.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 12.050 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) Unless otherwise provided by law, deputy heads of departments and directors of divisions and institutions shall be appointed by the heads of the departments and in statutory departments the appointment of deputy heads of departments and heads of divisions shall be with the prior written approval of the Governor. Each division head shall report to the head of the department.

(2) Division heads in statutory departments shall be paid annual salaries. The compensation of all employees of statutory administrative departments employed on an annual basis, including deputy heads of such departments, division heads, professional and scientific personnel, and assistant attorneys general of the Department of Law, paid from funds appropriated to statutory administrative departments shall be fixed as provided in Section 42.120 of Kentucky Revised Statutes, except that no salary shall exceed Five Thousand Dollars (\$5,000.00) annually. All salary limitations and other provisions of the law inconsistent herewith are repealed to the extent of such inconsistency.

(3) The provisions of this act shall become effective July 1, 1948.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Kermit Dwyer	F. G. Marquette
Jason Alford	Henry J. Giles	E. H. Martin
Roy W. Arnold	Otto W. Goff	C. D. Moberly
Levi Baker	N. M. Hamilton	Archie R. Moore
C. E. Baumgardner	Dennis Henderson	Davis Moore
Isaac M. Blevins	Carson Hibbitts	Walter Moorman
Chas. J. Bronston	E. R. Hilton	E. C. Mullins
Mrs. Mary Burnett	C. J. Holsclaw	Thomas A. Noe, Jr.
Chas. W. Burnley	Richard R. Houpt	H. M. Pewitt
A. H. Calvert	Ira W. Hulette	L. W. Preston
Paul Carter	Laban P. Jackson	E. F. Prichard
George I. Cline	Paul S. Jonas	Hobart Rayburn
Everett T. Cooper	J. Ernest Jones	Ottis Roberts
Horace T. Cull	Ercel Kozee	Lilburn S. Rogers
G. I. Drury	W. E. McClure	Amos Runyan

Glenn Rushing	James S. Shaw	W. R. Tipton
Dr. K. N. Salyer	Chas. L. Spillman	John C. Watts
LeRoy Saylor	John M. Stumbo	Rodney Whitlow
James J. Shannon	G. C. Thornton	Geo. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 199. An Act relating to the state tuberculosis sanatoria, including Hazlewood Sanatorium; providing for a State Tuberculosis Sanatoria Commission and transferring to such commission certain powers and duties now possessed by the State Board of Health, the Tuberculosis Sanatoria Commission of Kentucky and the board of commissioners for individual sanatoria, and abolishing the Tuberculosis Sanatoria Commission of Kentucky and the boards of commissioners for individual sanatoria; and making provisions for the management, operation, construction, improvement, funds, financing, properties, and personnel of the sanatoria, and the admission and transfer of patients.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 215.072 of the Kentucky Revised Statutes is repealed and in lieu thereof there is enacted the following section, to be numbered KRS 215.072:

(1) There is created a commission to be known as the State Tuberculosis Sanatoria Commission, and to consist of

five members. The Commissioner of Welfare shall be ex officio a member, and the other four members shall be appointed by the Governor. The appointed members shall be appointed for terms of four years and until their successors are appointed and have qualified, except that upon the appointment of the first members one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. The commission shall annually elect a chairman from its membership, for a term of one year. The commission shall meet at the call of the chairman, or at the call of the Governor, at such time and place as is designated in the call. The members of the commission, other than the Commissioner of Welfare, shall receive a per diem of ten dollars for each meeting of the commission attended, and all members shall be reimbursed for their actual and necessary expenses in attending meetings of the commission and otherwise in performing their duties. Any vacancy shall be filled by appointment by the Governor for the unexpired term.

(2) The State Tuberculosis Sanatoria Commission shall be attached to and constitute a part of the Department of Welfare. The Department of Welfare shall furnish such secretarial and clerical assistance, and office space, as may be required by the commission.

(3) The per diem and expenses of the members of the State Tuberculosis Sanatoria Commission shall be paid out of appropriations for the ordinary recurring expenses of operation of the state tuberculosis sanatoria.

§ 2. Section 215.076 of the Kentucky Revised Statutes is amended to read as follows:

The State Tuberculosis Sanatoria Commission shall have charge of the government and operation of the state tuberculosis sanatoria located in each of the six districts enumerated in KRS 215.071, and shall have authority to prescribe rules and regulations for that purpose. All funds and properties of the sanatoria shall be under the management and control

of the commission, subject to the provisions of Chapters 12, 41, 42 and 45 of the Kentucky Revised Statutes. The commission may receive property by legacy, conveyance or otherwise, on behalf of the Commonwealth, in aid and furtherance of the objects of the sanatoria or of any individual sanatorium. Any donation for a specified use shall be applied to such use and no other. The commission shall furnish to the Governor an annual report covering the operations of the sanatoria, and such other reports as the Governor may require. All funds of the commission shall be handled as provided in Chapters 41, 42 and 45 of the Kentucky Revised Statutes.

§ 3. Section 215.077 of the Kentucky Revised Statutes is amended to read as follows:

The State Tuberculosis Sanatoria Commission shall employ and fix the compensation of a medical director for each sanatorium, and in so doing shall not be subject to any restriction contained in subsection (2) of KRS 12.050. No person may be employed as medical director unless he is a member in good standing of the Kentucky State Medical Association, or the National Tuberculosis Society, and has had at least five years clinical experience in the field of tuberculosis. The Commission shall have authority to employ such physicians, nurses and other personnel as it deems necessary for the operation of the sanatoria, and may regulate the terms of service, type of duties, and compensation of such personnel, subject in all respects to the provisions of KRS 42.110 to 42.150. The commission shall encourage the employment of inmates in the sanatoria in such a way as to contribute to their physical, mental and moral development, and may utilize the product of their labor in the maintenance of the sanatoria.

§ 4. Section 215.078 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the provisions of subsection (2), (3) and (4) of this section, and subject to such regulations as the State Tuberculosis Sanatoria Commission may prescribe, the medical director of each state tuberculosis sanatorium shall receive for treatment at such sanatorium any pauper patient who is a resident of the sanatorium district sent to the sanatorium

by any county or city board of health with the approval as to pauper status, of the county judge of the county of which the patient is a resident.

(2) Any medical director, with the advice of the commission, shall have authority to refuse to accept any patient where the acceptance of such patient would result in an unequal proportion of patients, according to population, from any county in the district.

(3) Paying patients may be accepted at any sanatorium so long as at least one-half of the accommodations of the sanatorium are kept available for pauper patients desiring admission. The charge to be made for paying patients shall be fixed by the State Tuberculosis Sanatoria Commission subject to the approval of the Governor.

(4) Whenever the number of patients seeking to a sanatorium is greater than can be accommodated and cared for in the sanatorium, the names of those applying for admission shall be placed on a waiting list and they shall be received in the order of their application as soon as accommodations can be provided, subject to the provisions of subsections (2) and (3) of this section.

(5) The State Tuberculosis Sanatoria Commission may provide for the transfer of paying patients or pauper patients from one state sanatorium to another, in order to best accomplish the purpose of providing sanatorium facilities for all needy persons of this state.

(6) Provisions shall be made at each sanatorium for the receipt and furnishing of adequate facilities for the treatment of paying and pauper patients of the Negro race who are residents of the district.

§ 5. Section 215.079 of the Kentucky Revised Statutes is amended to read as follows:

The cost of transporting paying patients to any of the state tuberculosis sanatoria shall be paid by themselves or by

their friends or relatives. The cost of transporting pauper patients shall be paid by the fiscal court of the county from which they are sent.

§ 6. Section 215.070 of the Kentucky Revised Statutes is repealed, and in lieu thereof there is enacted the following section, to be numbered KRS 215.070:

The title to all property situated in Jefferson County that is used and occupied by the state tuberculosis sanatorium in that county is hereby transferred to and shall hereafter be vested in the Commonwealth, and the State Board of Health shall execute such conveyance and instruments as are necessary to effectuate the record of such transfer. Such transfer shall not affect the validity of any mortgage or bonds, heretofore executed according to law, which constitute an encumbrance upon such property, and the State Tuberculosis Sanatoria Commission shall arrange for the payment of the interest and principal of such mortgage or bonds out of any funds appropriated for that purpose.

§ 7. Sections 215.010, 215.020, 215.030, 215.040, 215.050, 215.060, 215.073, 215.074 and 215.075, and subsection (2) of Section 215.071, of the Kentucky Revised Statutes, are repealed.

§ 8. Any appropriations made by the General Assembly, including revolving, trust or agency fund appropriations, for the ordinary recurring expenses of operation of the state tuberculosis sanatoria, which appropriations have been made to or under the name of any other state agency, shall be deemed to have been made to, and shall be available to, the State Tuberculosis Sanatoria Commission. The commission, with the approval of the Commissioner of Finance, shall allocate and apportion such appropriations among the various state tuberculosis sanatoria as in its judgment will best meet the needs and purposes of the sanatoria, except that this shall not authorize the diversion of any appropriation made by the General Assembly specifically for the uses and purposes of a particular, named sanatorium.

§ 9. The repeal of KRS 215.074, by this Act, shall not affect the validity of any outstanding, uncompleted contract executed under authority of that section.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	H. M. Pewitt
Jason Alford	E. R. Hilton	E. F. Prichard
Roy W. Arnold	C. J. Holsclaw	Hobart Rayburn
Sidney Baer	Richard R. Houpt	Ottis Roberts
Levi Baker	Clyde S. Howard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	J. Ernest Jones	D. B. Saylor
Mrs. Mary Burnett	Ercel Kozee	James J. Shannon
Chas. W. Burnley	W. E. McClure	James S. Shaw
A. H. Calvert	F. G. Marquette	Chas. L. Spillman
George I. Cline	E. H. Martin	John M. Stumbo
Robert Collins	C. D. Moberly	G. C. Thornton
Everett T. Cooper	Archie R. Moore	W. R. Tipton
Perry M. Cross	Davis Moore	John C. Wats
Horace T. Cull	Walter Moorman	Morris Weintraub
Kermit Dwyer	E. C. Mullins	Rodney Whitlow
Henry J. Giles	Stanley Murphy	Geo. F. Williamson
Otto W. Goff	Thomas A. Noe, Jr.	Charles W. Wirsch
N. M. Hamilton	H. C. Patterson	—62

There voted in the negative—

L. W. Preston

—1

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 229. An Act to amend and re-enact Section 230.030 of the Kentucky Revised Statutes, relating to the Secretary of the State Racing Commission.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 230.030 of the Kentucky Revised Statutes of 1946 be amended and re-enacted so as to read as follows:

(1) The Governor shall appoint a secretary of the Commission, for a term of not exceeding four years.

(2) The secretary shall keep a full record of the proceedings of the Commission, preserve at its general office all books, maps, documents and papers entrusted to the Commission, and perform such other duties as the Commission prescribes.

(3) The secretary shall receive an annual salary, to be fixed by the Commission, which shall be paid by proportionate contributions of the several racing associations licensed by the Commission. The Commission, on or before December 1 of each year, shall assess upon each racing association its just proportion of the salary of the secretary.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Dennis Henderson	H. M. Pewitt
Jason Alford	Carson Hibbitts	L. W. Preston
Roy W. Arnold	C. J. Holsclaw	E. F. Prichard
Sidney Baer	Richard R. Houpt	Hobart Rayburn
Levi Baker	Clyde S. Howard	Ottis Roberts
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Paul S. Jonas	Dr. K. N. Salyer
Chas. J. Bronston	J. Ernest Jones	LeRoy Saylor
Mrs. Mary Burnett	Ercel Kozee	James J. Shannon
Chas. W. Burnley	W. E. McClure	James S. Shaw
A. H. Calvert	F. G. Marquette	Chas. L. Spillman
Everett T. Cooper	E. H. Martin	John M. Stumbo
Perry M. Cross	C. D. Moberly	G. C. Thornton
Horace T. Cull	Archie R. Moore	W. R. Tipton
G. I. Drury	Davis Moore	John C. Watts
Kermit Dwyer	Walter Moorman	Morris Weintraub.
Henry J. Giles	E. C. Mulins	Rodney Whitlow
Otto W. Goff	Harmon S. Overby	Geo. F. Williamson
N. M. Hamilton	H. C. Patterson	—59

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they has passed bill which originated in this House of the following titles, viz.:

H. B. No. 76. An Act changing the terms of the Circuit Court in the Twenty-third Judicial District.

H. B. No. 84. An Act to amend Section 63.080 of the Kentucky Revised Statutes, relating to the power of the Governor to remove officers appointing by him.

H. B. No. 104. An Act imposing a penalty for defrauding a taxicab operator.

H. B. No. 148. An Act relating to pari-mutuel or similar systems of betting at running or trotting horse race tracks, and imposing an excise tax on persons, corporations and associations which operate tracks at which such systems are used, and amending and re-enacting Kentucky Revised Statutes Section 137.190. This Act shall be known as the Cooper-Howard-Hilton Act.

H. B. No. 160. An Act relating to game and fish; amending KRS 150.445 and subsection (2) of KRS 150.450.

H. B. No. 234. An Act to repeal, amend and re-enact Section 183.390, Kentucky Revised Statutes, by giving authority to the city or county, or city and county, to establish, construct, maintain, manage, operate and control an airport.

H. B. No. 272. An Act relating to the methods, apparatus and standards to be used in grading wheat.

H. B. No. 353. An Act relating to Revenue and Taxation.

H. B. No. 400. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insurance written by fire, marine and fire and marine insurance companies on risks located in this state, including inland marine insurance.

H. B. No. 401. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insurance written by casualty insurance and surety companies on risks or operations in this State, including fidelity, surety and guaranty bonds and all other kinds, types or forms of motor vehicle insurance; to regulate rating organizations; to provide fees and to provide penalties for the violation of this Act.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 311. An Act to amend Sections 58.020 and 58.030 KRS, which sections are part of an Act providing for the acquisition and development of public projects by governmental units and agencies through revenue bonds, by inserting the words "or administration" between the words "legislative" and "body" in the third sentence of said section KRS 58.020, and by changing the word "twenty-five" to "forty" in KRS 58.030 (1).

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 58.020 KRS be amended so that when amended it shall read as follows:

A governmental agency acting separately or jointly with one or more of any such agency, may, acquire, construct, maintain, add to and improve any public project as defined in KRS 58.010, which public project may be located within or without or partly within and partly without the territorial limits of such governmental agency or agencies and for the purpose of defraying the cost thereof may borrow money and issue negotiable revenue bonds. Before any department or agency of the state government shall borrow money and issue bonds under KRS 58.010 to 58.140, the head of the department or agency shall file with the Secretary of State a written order, approved by the Governor, the Attorney-General and the Commissioner of Finance, setting forth the proposed public project, the amount of the bonds to be issued, and the maximum rate of interest the bonds are to bear. Any governmental agency other than agencies of the state govern-

ment may borrow money and issue revenue bonds under KRS 58.010 to 58.140 pursuant to an order, resolution or ordinance of its legislative or administrative body, which order, resolution or ordinance shall set forth the proposed public project, the amount of the revenue bonds to be issued and the maximum rate of interest. In every instance the order, resolution or ordinance shall provide that the public project is being undertaken under the provisions of KRS 58.010 to 58.140. (1946, c. 126, section 2.)

That Section 58.030, KRS, be amended so that when amended it shall read as follows:

(1) The bonds may be issued to bear interest at the rate not to exceed six percent per annum, payable either annually or semiannually, and shall be executed in such manner and be payable at such times not exceeding forty years from date thereof and at such place or places as the governmental agency determines.

(2) The bonds may provide that they or any of them may be called for redemption prior to maturity on interest payment dates not earlier than one year from the date of issuance of the bonds, at a price not exceeding 103 and accrued interest, under conditions fixed by the governmental agency before issuing the bonds.

(3) Any governmental agency is authorized to rent or lease such public project or any portion thereof to any persons, partnerships, associations or corporations either public or private.

(4) A governmental agency is hereby empowered to accept donations or gifts to the public project from any source and to accept appropriations and grants to the public project from the Federal Government or any agency thereof and appropriations from the state or any county, city or other political subdivision and, at the option of the governmental agency, to pledge such donations, gifts or appropria-

tions to the payment of revenue bonds issued to finance the cost of a public project. (1946, c. 126, Section 3.)

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	H. C. Patterson
Jason Alford	James P. Hanratty	H. M. Pewitt
Roy W. Arnold	Dennis Henderson	L. W. Preston
Sidney Baer	Carson Hibbitts	E. F. Prichard
Levi Baker	E. R. Hilton	Hobart Rayburn
C. E. Baumgardner	C. J. Holsclaw	Ottis Roberts
Fred Beshear	Richard R. Houpt	Lilburn S. Rogers
Isaac M. Blevins	Clyde S. Howard	Amos Runyan
Chas. J. Bronston	Ira W. Hulette	Glenn Rushing
Mrs. Mary Burnett	Kerby Jennings	Dr. K. N. Salyer
Chas. W. Burnley	J. Ernest Jones	LeRoy Saylor
A. H. Calvert	L. H. Jones	James J. Shannon
Paul Carter	Ercel Kozee	James S. Shaw
George I. Cline	W. E. McClure	Chas. L. Spillman
Robert Collins	Ed Marcum	Geo. W. Steinfeld
Everett T. Cooper	E. H. Martin	John M. Stumbo
Perry M. Cross	C. D. Moberly	G. C. Thornton
Horace T. Cull	Archie R. More	W. R. Tipton
B. G. Davidson	Davis Moore	John C. Watts
G. I. Drury	Walter Moorman	Morris Weintraub
Henry J. Giles	E. C. Mullins	Geo. F. Williamson
Otto W. Goff	Stanley Murphy	Charles W. Wirsch
Henry C. Hale	Thomas A. Noe, Jr.	

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 303. An Act relating to Geology; providing for a Kentucky Geological Survey to be established and operated at and within the University of Kentucky; repealing Sections 351.200 to 351.230 of the Kentucky Revised Statutes, which provide for a Division of Geology in the Department of Mines and Minerals; and providing for a transfer of appropriations, funds, properties and facilities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established and shall be maintained, within the Department of Geology of the University of Kentucky, a bureau of geological research and information to be known and designated as the Kentucky Geological Survey. The Survey shall be under the direction of the head of the Department of Geology of the University, who shall be designated as Director of the Survey. The Survey shall have a non-teaching staff, one of whom shall be designated as State Geologist, to be appointed in the same manner as other staff members of the University, and whose salaries shall be fixed by the Board of Trustees of the University commensurate with the salaries of the other staff members of the University.

§ 2. The other departments of the University of Kentucky, and the teaching staff of the Department of Geology, shall furnish cooperative services in carrying out the functions of the Kentucky Geological Survey.

§ 3. The Kentucky Geological Survey shall make a continuing geological study of the state and perform such

other functions as are directed toward the development of the mineral resources of the state.

§ 4. The Kentucky Geological Survey shall report periodically on its findings to the Governor and General Assembly and such reports shall be available to the public. It shall at all times furnish cooperative services to the Agricultural and Industrial Development Board of Kentucky, and make available to that Board such information and data as is at the disposal of the Survey. The Survey may issue reports, maps and other publications for sale at a price prescribed by the governing authorities of the University of Kentucky.

§ 5. All properties and facilities of the Division of Geology in the Department of Mines and Minerals shall forthwith be transferred to the Kentucky Geological Survey.

§ 6. Any appropriations made by the General Assembly to the Division of Geology in the Department of Mines and Minerals, for the fiscal years 1948-1949 and 1949-1950, and any unencumbered or unexpended balance of any appropriation made to said Division for the fiscal year 1947-1948, shall be deemed to have been appropriated to, and shall be transferred to the account of, the Kentucky Geological Survey. Any grants or other funds received or held by the said Division of Geology, in its capacity as an agency of the State, shall likewise be transferred to the Kentucky Geological Survey.

§ 7. Sections 351.200 to 351.230 of the Kentucky Revised Statutes are repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Dennis Henderson	L. W. Preston
Jason Alford	Carson Hibbitts	E. F. Prichard
Sidney Baer	E. R. Hilton	Hobart Rayburn
Levi Baker	C. J. Holsclaw	Ottis Roberts
C. E. Baumgardner	Richard R. Houpt	Lilburn S. Rogers
Fred Beshear	Clyde S. Howard	Amos Runyan
Isaac M. Blevins	Ira W. Hulette	Glenn Rushing
Chas. J. Bronston	Laban P. Jackson	Dr. K. N. Salyer
Mrs. Mary Burnett	J. Ernest Jones	D. B. Saylor
Chas. W. Burnley	L. H. Jones	LeRoy Saylor
A. H. Calvert	Ercel Kozee	James J. Shannon
George I. Cline	W. E. McClure	Paul E. Shannon
Robert Collins	E. H. Martin	James S. Shaw
Everett T. Cooper	C. D. Moberly	Chas. L. Spillman
Perry M. Cross	Archie R. Moore	Geo. W. Steinfeld
Horace T. Cull	Davis Moore	John M. Stumbo
G. I. Drury	Walter Moorman	G. C. Thornton
Kermit Dwyer	E. C. Mullins	W. R. Tipton
Henry J. Giles	Stanley Murphy	John C. Watts
Otto W. Goff	Thomas A. Noe, Jr.	Morris Weintraub
N. M. Hamilton	H. C. Patterson	Charles W. Wirsch
James P. Hanratty	H. M. Pewitt	—65

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 307. An Act relating to aeronautics; making provision for a State Department of Aeronautics, including its organization, personnel, and functions; abolishing the Kentucky Aeronautics Commission and the office of Director of Aeronautics. and transferring their functions, duties, pow-

ers, property, equipment, supplies, facilities, and appropriations to the Department of Aeronautics; amending KRS 12.020 in so far as it relates to aeronautics; and repealing KRS 183.020, 183.030, 183.031, 183.033, and 183.040.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There hereby is created and established the Department of Aeronautics, which shall constitute a statutory administrative department of the State Government within the meaning of KRS, Chapter 12, and which department shall exercise all of the administrative functions of the Commonwealth in relation to aeronautics, including aircraft, air transportation, airports, air navigation, and all matters related to said functions. The Department of Aeronautics shall be headed by the Commissioner of Aeronautics, who shall be the executive officer and have sole charge of the administration of the Department and the performance of all functions of the Department. No person shall be appointed as Commissioner unless at the time of his appointment he holds a valid commercial license, or its equivalent, issued by the United States Government for the piloting of aircraft, and unless he shall have had at least five (5) years' experience in aeronautics.

Section 2. The Commissioner of Aeronautics, with the advice and approval of the Governor, may appoint an Advisory Board of Aeronautics to advise with the Commissioner in carrying out the functions of the Department. Such Board, if appointed, shall consist of not less than three (3) nor more than nine (9) members, who shall serve for such terms, not exceeding four (4) years, as may be fixed by the Commissioner, and who shall be removable at the will of the Commissioner. The Commissioner shall serve as Chairman of the Board, and the Board shall meet at the call of the Chairman. The members of the Board shall be compensated at the rate of Ten Dollars (\$10.00) per day for each day they shall serve at call of the Chairman, and in addition thereto shall be allowed their necessary expenses attendant upon their duties.

Section 3. The Kentucky Aeronautic Commission and the office of Director of Aeronautics hereby are abolished, and all of their functions, duties, powers, property, equipment, supplies, and facilities hereby are transferred to the Department of Aeronautics. Any power or duty now vested by law in the Kentucky Aeronautic Commission, or in the individual members thereof, or in the Director of Aeronautics, henceforth shall be vested in the Department of Aeronautics and in the Commissioner of Aeronautics as head of the Department. Any reference in KRS, Chapter 183, to the Kentucky Aeronautics Commission, or the "Commission," or the Director of Aeronautics, henceforth shall be construed to be a reference to the Department of Aeronautics and the Commissioner of Aeronautics. Any appropriation or allocation of State or Federal funds heretofore or hereafter made to the Kentucky Aeronautic Commission shall be transferred and allocated to, and be construed to be appropriated for, the Department of Aeronautics.

Section 4. The Department of Aeronautics may prescribe such rules and regulations not inconsistent with law, and may do all things reasonable or necessary to carry out the provisions of KRS, Chapter 183, relating to State functions in the field of aeronautics. The Department, with the approval of the Governor, may acquire aircraft by purchase, lease, or otherwise, necessary for the performance of the functions of the Department.

Section 5. Sections 183.020, 183.030, 183.031, 183.033, and 183.040 of the Kentucky Revised Statutes hereby are repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	E. F. Prichard
Sidney Baer	Dennis Henderson	Hobart Rayburn
Levi Baker	Carson Hibbitts	Ottis Roberts
C. E. Baumgardner	E. R. Hilton	Amos Runyan
Fred Beshear	C. J. Holsclaw	Glenn Rushing
Isaac M. Blevins	Clyde S. Howard	Dr. K. N. Salyer
Chas. J. Bronston	Ira W. Hulette	D. B. Saylor
Mrs. Mary Burnett	Laban P. Jackson	James J. Shannon
Chas. W. Burnley	J. Ernest Jones	Paul E. Shannon
A. H. Calvert	L. H. Jones	James S. Shaw
George I. Cline	W. E. McClure	Chas. L. Spillman
Robert Collins	Ed Marcum	Geo. W. Steinfeld
Everett T. Cooper	E. H. Martin	John M. Stumbo
Perry M. Cross	C. D. Moberly	G. C. Thornton
Horace T. Cull	Archie R. Moore	W. R. Tipton
B. G. Davidson	Davis Moore	John C. Watts
G. I. Drury	E. C. Mullins	Morris Weintraub
Kermit Dwyer	Stanley Murphy	Rodney Whitlow
Henry J. Giles	Thomas A. Noe, Jr.	Charles W. Wirsch
Otto W. Goff	H. C. Patterson	
N. M. Hamilton	H. M. Pewitt	—61

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 312. An Act to amend sections 148.020, 148.030 and 148.040 KRS, which sections pertain to the acquisition of state parks, the issuance of revenue bonds to improve same, and provide for the setting up of a system of accounting for the revenue derived from the operation of same; said sections when amended to provide for the acquisition of state parks,

the issuance of revenue bonds under KRS 58.010 to 58.140; to permit the uniting of one or more parks for the purpose of said financing; and to provide for a proper system of accounting and other purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 148.020 KRS be amended so that when amended it shall read as follows:

The Division of Parks may:

(1) acquire lands by purchase, lease or otherwise, on which to operate state parks;

(2) improve said parks by constructing and equipping improvements and facilities in said parks;

(3) operate said parks, and fix fees and charges for the use of said parks and the improvements and facilities constructed therein, and provide for the collection of said fees and charges and the proper accounting therefor.

That section 148.030 KRS be amended so that when amended it shall read as follows:

(1) The cost of acquiring such parks and constructing improvements and facilities therein and equipping same may be defrayed by funds received from appropriations, gifts, the use of money received as fees and charges for the use of said parks and facilities, or by the issuance of revenue bonds, or by a combination of such sources of funds.

(2) In the event revenue bonds are issued to defray all or any part of such costs, said revenue bonds shall be issued pursuant to the terms of KRS 58.010 to 58.140.

(3) The Division of Parks may unite into one project for financing purposes all or as many parks, and the improvements thereon, or to be constructed, enlarged or improved, as it deems practicable, so that the fees and charges and other revenue or receipts from every source whatsoever from the parks thus united shall be used for the payment of the principal and interest of all bonds which may be issued. Such united receipts shall continue until all bonds issued have been paid in full. The lien of the bonds for such united project shall be a lien upon the gross income and revenue of all the parks thus united into a project.

(4) All parks in which improvements and facilities are constructed and equipped by the issuance of revenue bonds shall be maintained and operated by the Division of Parks until the bonds are paid, and the cost of operation and maintenance shall be paid out of appropriations received by the Division of Parks.

(5) The Division of Parks may delegate the actual operation of said parks and facilities to a corporation created for the purpose of operating said parks and facilities, and if the operation of said parks and facilities produces revenue in excess of the amount necessary to pay said bonds and the interest on same as they severally mature, and to create all necessary and proper reserves to secure such payment, and to make good all depreciation, such surplus may be used to defray costs of operating said parks and facilities.

That section 148.040 KRS be amended so that when amended it shall read as follows:

The Division of Parks shall adopt regulations necessary for the operation, maintenance and use of state parks. These regulations shall include the setting up of an accounting system to properly show the receipts and expenditures of the parks operated by the Division of Parks, and shall provide for the setting aside and pledging of sufficient revenue to secure the payment of all bonds and the interest thereon which may be issued.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Otto W. Goff	E. C. Mullins
Jason Alford	Henry C. Hale	Thomas A. Noe, Jr.
Sidney Baer	N. M. Hamilton	H. C. Patterson
Levi Baker	Dennis Henderson	H. M. Pewitt
C. E. Baumgardner	Carson Hibbitts	L. W. Preston
Fred Beshear	E. R. Hilton	E. F. Prichard
Isaac M. Blevins	C. J. Holsclaw	Hobart Rayburn
Chas. J. Bronston	Richard R. Houpt	Ottis Roberts
Mrs. Mary Burnett	Clyde S. Howard	Amos Runyan
Chas. W. Burnley	Laban P. Jackson	Glenn Rushing
A. H. Calvert	J. Ernest Jones	Dr. K. N. Salyer
Paul Carter	L. H. Jones	D. B. Saylor
George I. Cline	Ercel Kozee	Paul E. Shannon
Robert Collins	W. E. McClure	James S. Shaw
Everett T. Cooper	Ed Marcum	G. C. Thornton
Horace T. Cull	E. H. Martin	W. R. Tipton
B. G. Davidson	C. D. Moberly	John C. Watts
G. I. Drury	Archie R. Moore	Morris Weintraub
Kermit Dwyer	Davis Moore	Charles W. Wirsch
Henry J. Giles	Walter Moorman	—59

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 315. An Act making appropriations for expenses incident to and in connection with the office of Governor and the Governor's Mansion, and providing that said appropriations shall be in lieu of certain other appropriations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of \$10,000 each year for the fiscal years 1948-1949 and 1949-1950, for the use of the Governor in defraying such necessary contingent expenses as are incident to the office of the Chief Executive of the Commonwealth of Kentucky. The sums so appropriated shall be credited to a special fund to be known as the contingent fund for the use of the Governor. Whenever it shall be necessary in the judgment of the Governor to meet an expense of the character contemplated by this section, he shall issue an order to the Department of Finance for the amount required, and the Department of Finance shall thereupon issue a warrant in favor of the Governor for the amount indicated in the order. The appropriation made by this section is intended to be in lieu of the appropriation made by paragraph (c) of item 4 of Part One of House Bill No. 5 of the 1948 General Assembly.

§ 2. There is further appropriated, out of the surplus cash balance which will be in the State Treasury to the credit of the General Expenditure Fund as of June 30, 1948, the sum of \$5,000, for the purpose of providing furniture, furnishings, equipment and improvements for the Governor's Mansion. Withdrawals of such appropriation shall be made in the same manner as provided in Section 1 of this Act. Any portion of such appropriation not encumbered or expended during the 1948-1949 fiscal year shall not lapse to the General Expenditure Fund, but shall continue to be available for expenditure during the 1949-1950 year.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	H. M. Pewitt
Jason Alford	Dennis Henderson	L. W. Preston
Sidney Baer	Carson Hibbitts	E. F. Prichard
Levi Baker	E. R. Hilton	Hobart Rayburn
C. E. Baumgardner	C. J. Holsclaw	Ottis Roberts
Fred Beshear	Richard R. Houpt	Amos Runyan
Isaac M. Blevins	Ira W. Hulette	Glenn Rushing
Chas. J. Bronston	Laban P. Jackson	Dr. K. N. Salyer
Mrs. Mary Burnett	J. Ernest Jones	D. B. Saylor
Chas. W. Burnley	L. H. Jones	LeRoy Saylor
A. H. Calvert	Ercel Kozee	James J. Shannon
Paul Carter	W. E. McClure	Paul E. Shannon
George I. Cline	Ed Marcum	James S. Shaw
Robert Collins	F. G. Marquette	Chas. L. Spillman
Everett T. Cooper	E. H. Martin	Geo. W. Steinfeld
Perry M. Cross	C. D. Moberly	John M. Stumbo
Horace T. Cull	Archie R. Moore	G. C. Thornton
B. G. Davidson	Davis Moore	W. R. Tipton
G. I. Drury	Walter Moorman	John C. Watts
Kermit Dwyer	E. C. Mullins	Morris Weintraub
Henry J. Giles	Stanley Murphy	Rodney Whitlow
Otto W. Goff	Tohams A. Noe, Jr.	Charles W. Wirsch
N. M. Hamilton	H. C. Patterson	—68

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. John C. Watts moved that the House do now recess for one hour.

Said motion was agreed to.

And then the House recessed.

One hour having expired, the Speaker resumed the Chair and called the House to Order.

Mr. Burnley moved that the rules be suspended and the privilege of the floor extended to Mr. Ray Baer.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 193. An Act relating to condemnation of property including the right of ingress and egress to and from such property, for oil or gas pipe lines and facilities related thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any corporation or partnership organized for the purpose of, and any individual engaged in or proposing to engage in, constructing, maintaining or operating oil or gas wells or pipe lines for transporting or delivering oil or gas in public service may, if it is unable to contract or agree with the owner after a good faith effort to do so, condemn the lands and material or the use and occupation of the lands that are necessary for constructing, maintaining and operating its pipe lines and all necessary machinery, pumping stations, appliances and fixtures, including tanks and telephone and telegraph lines, for use in connection therewith, and the necessary rights of ingress and egress to construct, examine, alter, repair, maintain, operate or remove such pipe lines. The proceedings for condemnation shall be as provided in this Act.

Section 2. A corporation, partnership or individual seeking to condemn lands and material or the use and occupation of lands, under the provisions of Section 1 of this Act, may file a verified petition in the office of the county court clerk of the county in which all or the greater portion of the land and material is located. The petition shall state that it is filed under the provisions of this Act and shall contain, in substance,

(1) Allegations sufficient to show that petitioner is entitled, under the provisions of section 1 of this Act, to condemn the lands and material or the use and occupation of the lands in question;

(2) A particular description of the land, the use and occupation thereof and the material sought to be condemned; and

(3) An application to the county court to appoint commissioners to award the amount of compensation the owner thereof is entitled to receive therefor.

Section 3. The County court shall appoint as commissioners three impartial housekeepers of the county who are owners of land. They shall be sworn to faithfully and impartially discharge their duties under this section. The Commissioners shall view the land and material and award to the owner or owners the value of the use and occupation of the land and material sought to be taken, which shall be stated separately. They shall also award any incidental damages resulting to the adjacent lands of the owner or owners considering the purpose for which it is taken, but shall deduct from the incidental damages the value, if any, of the advantages and benefits that will accrue to the adjacent lands from the construction and prudent operation of the pipe line proposed to be constructed. They shall return a written report to the office of the county clerk, stating their award, and shall describe in their report the land and the use and occupation thereof and material condemned, giving the name of each owner and stating whether he is a non-resident of the state or under any disability.

Section 4. Upon the application of the petitioner, and the filing of any necessary affidavits, the clerk of the court shall issue process against the owner to show cause why the petitioner does not have the right to condemn the lands, or the use and occupation thereof, and material sought to be condemned. The summons shall contain a statement of the amount of the award. The clerk shall make such orders as to nonresidents and persons under disability as are required by the Civil Code in actions against them in the circuit court.

Section 5. Any answer or other pleading filed by the owner or owners in response to the summons shall be filed on or before the first day of the first regular term of the county court after the owner or owners have been summoned the time prescribed by the Civil Code, and shall be confined solely to the question of the right of the petitioner to condemn the property sought to be condemned, but without prejudice to the owners right to appeal from the amount of the compensation awarded in the manner provided in subsection (1) of section seven of this Act.

Section 6. (1) At the first regular term of the county court after the owner has been summoned the length of time prescribed by the Civil Code before an answer is required, the court shall examine the report of the commissioners to determine whether it conforms to the provisions of section 3 of this Act. If the report of the commissioners is not in the proper form the court shall require the commissioners to make such corrections as are necessary.

(2) If no answer or other pleading is filed by the owner or owners putting in issue the right of the petitioner to condemn the lands or the use and occupation thereof and the material sought to be condemned, the court shall enter a judgment which shall contain, in substance:

(a) A finding that the petitioner has the right, under the provisions of section 1 of this Act, to condemn the lands or the use and occupation thereof and material;

(b) A finding that the report of the commissioners conforms to the provisions of section 3 of this Act;

(c) An authorization to take possession of the lands and materials for the purposes and under the conditions and limitations, if any, set forth in the petition, upon the payment of all costs and the payment to the owner, or to the clerk of the court if the owner refuses to accept it, the amount of the compensation awarded by the commissioners;

(d) Proper provision for the conveyance of the title to the land and material, to the extent condemned, as adjudged therein, in the event no appeal is taken as provided in subsection (1) of section 7 of this Act.

Any appeal from such judgement by either party or both parties shall be confined solely to exceptions to the amount of compensation awarded by the commissioners.

(3) If the owner has filed answer or pleading putting in issue the right of the petitioner to condemn the lands or use and occupation thereof and the material sought to be condemned, the court shall, without intervention of jury, proceed to hear and determine whether or not the petitioner has such right. If the court determines that petitioner has such right, judgement, as provided for in subsection 2 of this section, shall be entered. If the court determines that petitioner does not have such right, it shall enter a judgement which shall contain, in substance:

(a) A finding that the report of the commissioners conforms to section 3 of this Act;

(b) A finding that the petitioner is not authorized to condemn the lands or the use and occupation thereof and the material for the purposes and under the conditions and limitations set forth in the petition stating the particular ground or grounds on which the petitioner is not so authorized;

(c) An order dismissing the petition and directing the petitioner to pay all costs.

Section 7 (1) Within thirty days from the date of a judgement authorizing the petitioner to take possession of the land or material an appeal may be taken to the circuit court by either party or both parties by executing bond as required

in other cases, and by filing with the clerk of the circuit court a certified copy of the judgement, a statement of the parties to the appeal and a statement of the grounds of appeal, which grounds shall contain any exceptions the appellant has to the award made by the commissioners. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed the clerk of the circuit court shall certify that fact to the clerk of the county court and the latter immediately shall transfer the original papers to the clerk of the circuit court. The statement of grounds of appeal of either party may be amended as provided in the Civil Code for the amendment of a pleading. The appeal shall be tried de novo but shall be limited to the questions which are raised in the original statements of the grounds of appeal, or as amended, but the owner shall not be permitted to raise any question, nor shall the court consider any question so raised, concerning the right of the petitioner to condemn the property, unless the owner filed an answer or other pleading in the county court raising that issue. All questions of fact pertaining to the amount of compensation to the owner, or owners, shall be determined by a jury, which jury may be sent by the court, in the charge of the sheriff, to view the land and material. Upon an appeal to the circuit court and after a jury trial therein, and if possession previously has not been taken by the condemnor of the land and material condemned, it may do so upon the payment to the owner, or to the clerk of the circuit court if the owner refuses to accept it, the amount of the compensation adjudged by the circuit court to be due the owner and by paying such costs as are required to be paid by the condemnor under the provisions of subsection (5) of this section.

(2) Within thirty days from the date of a judgement dismissing a petition, an appeal may be taken to the circuit court by the petitioner by executing bond as required in other cases and by filing with the clerk of the circuit court a statement of the parties to the appeal and a certified copy of the judgement. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed the clerk of the circuit court shall certify that fact to

the clerk of the county court and the latter immediately shall transfer the original papers to the clerk of the circuit court. Upon reasonable notice to the owner, such an appeal shall be tried at the earliest convenience of the court without the intervention of a jury, at any regular or special term or by the judge in vacation. At such trial, either party may present evidence relating to the right of the petitioner to condemn the land and material sought to be condemned. If the judge of the circuit court finds that the petitioner has the right to condemn said property, the case shall not be remanded but the judge or court shall enter an order setting forth his findings and authorizing the petitioner to take possession of the lands and materials for the purposes and under the conditions and limitations set forth in the petition upon the payment to the owner, or to the clerk of the circuit court if the owner refuses to accept it, the amount of the compensation awarded by the commissioners in their report to the county court. Within thirty days from the date of the order of the circuit court authorizing the petitioner to take such possession, either party may file exceptions to the award of the commissioners. If no exceptions to the award are filed, the court, on motion of the condemnor; shall enter a final judgement in the case. If either party files exceptions pertaining to the amount of the award, the issues of fact shall be tried by a jury in the circuit court in course as though on appeal from a judgement of the county court.

(3) Appeals may be taken to the Court of Appeals from the final judgement of the circuit court as in other cases except that an appeal by the owner shall not operate as a supersedeas.

(4) The payment by the condemnor of the amount of compensation awarded and the taking possession of the lands and material condemned shall not prejudice its right to appeal from the judgement of any court, nor shall the acceptance by the owner of the amount of the compensation awarded prejudice his right to appeal from the judgment of any court.

(5) If the owner, on his appeal from a judgement authorizing the condemnor to take possession of the property con-

demned, fails to increase the amount of compensation awarded to him, he shall pay all costs of the appeal. If the condemnor, on its appeal from such a judgement fails to decrease the amount of compensation awarded to the owner, the condemnor shall pay all costs of the appeal.

(6) If the condemnor takes possession of the land and material condemned and the amount of compensation is thereafter increased upon an appeal, the condemnor shall pay interest to the owner at the rate of six per cent per annum upon the amount of such increase from the date the condemnor took possession of the land and material. If the condemnor takes possession of the land and material condemned and the amount of compensation is thereafter decreased upon an appeal, the condemnor shall be entitled to a personal judgment against the owner for the amount of the decrease plus interest at the rate of six per cent per annum from the date the condemnor paid the amount of compensation into court or to the owner.

(7) Upon the final determination of an appeal, the circuit court shall make such orders as may be proper for the conveyance of the title, to the extent condemned, to the land and material.

Section 8. All money paid into court or paid or transferred to the clerk of a court under the provisions of this Act shall be received by the clerk of the court and held subject to the order of the court, for which the clerk and his sureties on his official bond shall be responsible to the persons entitled thereto.

Section 9. Where there are conflicting claimants to the land sought to be condemned and all such parties are before the court, each claimant, for the purposes of the condemnation proceeding only, shall be deemed to be an owner, and the procedure for the condemnation of the land shall be as provided in this Act except that, before the condemnor shall be entitled to take possession of the land, it shall be required to pay the compensation awarded therein to a receiver appointed by the court or to the master commissioner of the circuit court, to be held for the benefit of, and paid over to such persons as

may thereafter be determined to be entitled to receive it. In such cases, the claimants may have their rights determined in a separate action, but the filing of such action on its pendency shall in no wise stay or delay said condemnation proceedings.

Section 10. All proceedings under this Act shall be governed by the provisions of the Civil Code of Practice except where the provisions of this Act specifically or by necessary implication provide otherwise.

Section 11. Section 278.500 of the Kentucky Revised Statutes is repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	Walter Moorman
Jason Alford	James P. Hanratty	E. C. Mullins
Sidney Baer	Dennis Henderson	Stanley Murphy
Levi Baker	Carson Hibbitts	Thomas A. Noe, Jr.
C. E. Baumgardner	E. R. Hilton	Harmon S. Overby
Fred Beshear	C. J. Holsclaw	H. M. Pewitt
Isaac M. Blevins	Richard R. Houpt	L. W. Preston
Chas. J. Bronston	Clyde S. Howard	Hobart Rayburn
Mrs. Mary Burnett	D. W. Howard	Ottis Roberts
Chas. W. Burnley	M. G. Howard	Lilburn S. Rogers
Paul Carter	Ira W. Hulette	Amos Runyan
Earl W. Christian	Laban P. Jackson	Glenn Rushing
George I. Cline	Kerby Jennings	Dr. K. N. Salyer
Everett T. Cooper	L. H. Jones	Chas. L. Spillman
Horace T. Cull	Ercel Kozee	John M. Stumbo
Owen Deering	Harry K. Lowman	John C. Watts
G. I. Drury	W. E. McClure	Lynn Boyd Wells
Kermit Dwyer	C. D. Moberly	Charles W. Wirsch
Otto W. Goff	Davis Moore	

Those who voted in the negative were—

F. G. Marquette James J. Shannon G. C. Thornton
E. H. Martin

—4

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 235. An Act defining safe burning periods during forest fire seasons.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris, or other inflammable material upon such land unless he previously shall have taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris, or other inflammable material, upon such land unless he shall have taken similar precautions to prevent the spread of such fire to any other land.

§ 2. During the months of March, April, May, October, November and December, even though the precautions re-

quired by Section One of this Act shall have been taken, it shall be unlawful, in any county or portion thereof organized for forest fire control under the direction of the Director of the Division of Forestry, or designated as a forest fire control area by such Director, for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris, or field containing dry grass or other inflammable material capable of spreading fire, located in or within three hundred feet of any woodland or brush-land, except between the hours of 4:30 o'clock post meridan and twelve o'clock midnight, or when the ground is covered with snow.

§ 3. The provisions of Section two of this Act shall not apply to fires which may be set within the corporate limits of any town or city in the State, nor to fires set on rights of way of railroad companies by their duly authorized employees, nor to fires for the purpose of burning plant beds.

§ 4. Any person violating any provisions of this Act shall, upon conviction, be fined not less than ten or more than one hundred dollars, or imprisoned for not less than ten days nor more than six months, or both, for each separate offense. If any forest fire shall originate as a result of the violation by any person of any provision of this Act, such person shall, in addition to the above penalty, be liable to the State and to each county for the full amount of all expenses incurred by the State and the county respectively in suppressing each fire, such amounts to be recoverable by action brought by the Director of the Division of Forestry in the name of the Commonwealth on behalf of the Commonwealth and by the county attorney on behalf of the county.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Richard R. Houpt	Harmon S. Overby
Levi Baker	Clyde S. Howard	H. M. Pewitt
C. E. Baumgardner	D. W. Howard	J. H. Polsgrove
Fred Beshear	M. G. Howard	L. W. Preston
Isaac M. Blevins	R. N. Hubbard	E. F. Prichard
Chas. J. Bronston	Ira W. Hulette	Hobart Rayburn
Mrs. Mary Burnett	Laban P. Jackson	Ottis Roberts
Chas. W. Burnley	Kerby Jennings	F. L. Robinson
Paul Carter	J. Ernest Jones	Lilburn S. Rogers
George I. Cline	L. H. Jones	Amos Runyan
Robert Collins	Ercel Kozee	Glenn Rushing
Everett T. Cooper	Harry K. Lowman	Dr. K. N. Salyer
Horace T. Cull	W. E. McClure	LeRoy Saylor
Owen Deering	F. G. Marquette	James J. Shannon
G. I. Drury	E. H. Martin	Chas. L. Spillman
Kermit Dwyer	C. D. Moberly	John M. Stumbo
N. M. Hamilton	Archie R. Moore	G. C. Thornton
James P. Hanratty	Davis Moore	John C. Watts
Dennis Henderson	Walter Moorman	Lynn Boyd Wells
Carson Hibbits	E. C. Mullins	Geo. F. Williamson
E. R. Hilton	Stanley Murphy	Charles W. Wirsch
C. J. Holsclaw	Thomas A. Noe, Jr.	—65

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 196. An Act to amend and re-enact Section 427.130 of the Kentucky Revised Statutes, so as to include provisions relating to procedure in the case of attachments and garnishments served upon the Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION I

Section 427.130 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

(1) Salaries for sums due state, county, city and school board officers and employees shall be subject to attachment or garnishment.

(2) All sums due any person from the Commonwealth of Kentucky, or any agency or department thereof, and all sums due from any county school board, city or county, shall be subject to attachment or garnishment.

(3) Service of attachments or garnishments upon the Commonwealth of Kentucky shall be made by serving the Commissioner of Finance, and the State Treasurer. No attachment or garnishment served upon the Commonwealth shall be valid unless the process shall specify the name of the employee, or other creditor, and the budget unit and division thereof through which the sum alleged to be due is payable.

SECTION II

Whereas, the present procedure in the service of attachments and garnishments upon the Commonwealth is inadequate, inefficient, and uncertain, an emergency is declared to exist and this Act shall take effect upon its passage and upon approval of the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Richard R. Houtp	Harmon S. Overby
Levi Baker	Clyde S. Howard	H. M. Pewitt
C. E. Baumgardner	D. W. Howard	J. H. Polsgrove
Fred Beshear	M. G. Howard	L. W. Preston
Isaac M. Blevins	R. N. Hubbard	E. F. Prichard
Chas. J. Bronston	Ira W. Huleette	Hobart Rayburn
Mrs. Mary Burnett	Laban P. Jackson	Ottis Roberts
Chas. W. Burnley	Kerby Jennings	F. L. Robinson
Paul Carter	J. Ernest Jones	Lilburn S. Rogers
George I. Cline	L. H. Jones	Amos Runyan
Robert Collins	Ercel Kozee	Glenn Rushing
Everett T. Cooper	Harry K. Lowman	Dr. K. N. Salyer
Horace T. Cull	W. E. McClure	LeRoy Saylor
Owen Deering	F. G. Marquette	James J. Shannon
G. I. Drury	E. H. Martin	Chas. L. Spillman
Kermit Dwyer	C. D. Moberly	John M. Stumbo
N. M. Hamilton	Archie R. Moore	G. C. Thornton
James P. Hanratty	Davis Moore	John C. Watts
Dennis Henderson	Walter Moorman	Lynn Boyd Wells
Carson Hibbitts	E. C. Mullins	Geo. F. Williamson
E. R. Hilton	Stanley Murphy	Charles W. Wirsch
C. J. Holsclaw	Thomas A. Noe, Jr.	—65

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 237. An Act relating to forest management on private and public lands.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Director of the Division of Forestry, in the Department of Conservation, or his authorized agent, may, upon request, and whenever he deems it essential to the best interests of the people of the Commonwealth, cooperate with counties, cities, corporations, institutions or individuals in preparing plans for the protection, management and replacement of trees, woodlands and timber tracts, under an agreement that the parties obtaining such assistance pay at least the field expenses of the men employed in preparing said plans. Services rendered under this cooperative plan may include the designation of trees for sale or removal, measuring or estimating the commercial volume contained in the trees designated, marketing advice, and general forestry advice concerning the management of the land owner's forest.

§ 2. When services are rendered under this Act, the landowner or his agent, upon presentation of a statement, shall pay to the Division of Forestry, within thirty days of receipt of the statement, the amount due. The amounts so collected by the Division of Forestry shall be paid into the State Treasury and shall be credited to a special fund for forest management and marketing, and, with such other funds as may be appropriated by the General Assembly, or contributed by the United States or any governmental or private agency for these purposes, shall be used and disbursed by the Division of Forestry for such purpose.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	Mrs. Mary Burnett
Levi Baker	Isaac M. Blevins	Chas. W. Burnley
C. E. Baumgardner	Chas. J. Bronston	Paul Carter

George I. Cline	Laban P. Jackson	L. W. Preston
Robert Collins	Kerby Jennings	E. F. Prichard
Everett T. Cooper	J. Ernest Jones	Hobart Rayburn
Horace T. Cull	L. H. Jones	Ottis Roberts
Owen Deering	Ercel Kozee	F. L. Robinson
G. I. Drury	Harry K. Lowman	Lilburn S. Rogers
Kermit Dwyer	W. E. McClure	Amos Runyan
N. M. Hamilton	F. G. Marquette	Glenn Rushing
James P. Hanratty	E. H. Martin	Dr. K. N. Salyer
Dennis Henderson	C. D. Moberly	LeRoy Saylor
Carson Hibbitts	Archie R. Moore	James J. Shannon
E. R. Hilton	Davis Moore	Chas. L. Spillman
C. J. Holselaw	Walter Moorman	John M. Stumbo
Richard R. Houpt	E. C. Mullins	G. C. Thornton
Clyde S. Howard	Stanley Murphy	John C. Watts
D. W. Howard	Thomas A. Noe, Jr.	Lynn Boyd Wells
M. G. Howard	Harmon S. Overby	Geo. F. Williamson
R. N. Hubbard	H. M. Pewitt	Charles W. Wirsch
Ira W. Hulette	J. H. Polsgrove	—65

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 233. An Act relating to the powers of the Division of Forestry with respect to the leasing and renting of lands, and the selling of timber and other forest products.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. KRS 149.020 is hereby amended to read as follows:

(1) The Division of Forestry in the Department of Conservation may receive by donation, purchase or lease lands for forestry purposes, and may convey, exchange or lease said lands and may sell timber or other forest products thereon. In exercising this function the Division shall be exempted from any provision of KRS 42.030 or KRS 42.060, except with respect to the purchase, conveyance or exchange of lands.

(2) No land shall be purchased, leased or received as a donation unless the title thereto is merchantable and has been approved by the Attorney-General.

§ 2. KRS 149.050 is hereby amended to read as follows:

(1) The division may lease or rent portions of lands acquired by it to responsible persons, for cultivation and grazing, but in no event shall it lease or rent lands the use of which would be detrimental to the growth of timber or destructive of game or wild animal life. Proceeds resulting from the leasing of such lands shall be covered into the State Treasury.

(2) The division may, with the consent of the owner of lands leased to it, sublease or rent any of such leased lands in a manner that will not interfere with the growth of timber or the propagation of game and wild animal life. If the lands are subleased or rented under these conditions, the division and the owner shall divide the proceeds arising from the use of the lands, on a fifty-fifty basis, the division's one-half shall be covered into the State Treasury.

(3) In exercising the functions of this Section the Division shall be exempted from any provision of KRS 42.030 or 42.060.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Richard R. Houpt	Harmon S. Overby
Levi Baker	Clyde S. Howard	H. M. Pewitt
C. E. Baumgardner	D. W. Howard	J. H. Polsgrove
Fred Beshear	M. G. Howard	L. W. Preston
Isaac M. Blevins	R. N. Hubbard	E. F. Prichard
Chas. J. Bronston	Ira W. Hulette	Hobart Rayburn
Mrs. Mary Burnett	Laban P. Jackson	Ottis Roberts
Chas. W. Burnley	Kerby Jennings	F. L. Robinson
Paul Carter	J. Ernest Jones	Lilburn Rogers
George I. Cline	L. H. Jones	Amos Runyan
Robert Collins	Ercel Kozee	Glenn Rushing
Everett T. Cooper	Harry K. Lowman	Dr. K. N. Salyer
Horace T. Cull	W. E. McClure	LeRoy Saylor
Owen Deering	F. G. Marquette	James J. Shannon
G. I. Drury	E. H. Martin	Chas. L. Spillman
Kermit Dwyer	C. D. Moberly	John M. Stumbo
N. M. Hamilton	Archie R. Moore	G. C. Thornton
James P. Hanratty	Davis Moore	John C. Watts
Dennis Henderson	Walter Moorman	Lynn Boyd Wells
Carson Hibbits	E. C. Mullins	Geo. F. Williamson
E. R. Hilton	Stanley Murphy	Charles W. Wirsch
C. J. Holsclaw	Thomas A. Noe, Jr.	—65

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 259. An Act changing the classification of the City of Mayfield in Graves County.

Said bill is as follows, viz.:

Whereas, satisfactory information has been presented to the General Assembly that the population of the City of Mayfield, in Graves County, is such as to justify its being assigned to the third class of cities;

Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The City of Mayfield, in Graves County, is hereby transferred from the fourth class to the third class of cities. This transfer is intended to be effective notwithstanding that the present General Assembly, in an Act amending KRS 81.010, may, in setting said section forth at length, continue to enumerate the City of Mayfield as a fourth-class city.

§ 2. This Act shall take effect on January 1, 1949.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Everett T. Cooper	Richard R. Raupt
Levi Baker	Horace T. Cull	Clyde S. Howard
C. E. Baumgardner	Owen Deering	D. W. Howard
Fred Beshear	G. I. Drury	M. G. Howard
Isaac M. Blevins	Kermit Dwyer	R. N. Hubbard
Chas. J. Bronston	N. M. Hamilton	Ira W. Hulette
Mrs. Mary Burnett	James P. Hanratty	Laban P. Jackson
Chas. W. Burnley	Dennis Henderson	Kerby Jennings
Paul Carter	Carson Hibbitts	J. Ernest Jones
George I. Cline	E. R. Hilton	L. H. Jones
Robert Collins	C. J. Holsclaw	Ercel Kozee

Harry K. Lowman	Harmon S. Overby	Dr. K. N. Salyer
W. E. McClure	H. M. Pewitt	LeRoy Saylor
F. G. Marquette	J. H. Polsgrove	James J. Shannon
E. H. Martin	L. W. Preston	Chas. L. Spillman
C. D. Moberly	E. F. Prichard	John M. Stumbo
Archie R. Moore	Hobart Rayburn	G. C. Thornton
Davis Moore	Ottis Roberts	John C. Watts
Walter Moorman	F. L. Robinson	Lynn Boyd Wells
E. C. Mullins	Lilburn S. Rogers	Geo. F. Williamson
Stanley Murphy	Amos Runyan	Charles W. Wirsch
Thomas A. Noe, Jr.	Glenn Rushing	—65

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 173. An Act to regulate the practice of veterinary medicine, surgery, and dentistry in the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1 Definitions. As used in this Act, unless the context requires otherwise:

(a) "Board" means the Kentucky Board of Veterinary Examiners.

(b) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(c) "Animal" means any animal except human beings.

(d) "Compensation" includes any gift, bonus, fee, money, credit or other thing of value.

(e) "Veterinarian" means a practitioner of veterinary medicine who is duly licensed in the Commonwealth of Kentucky.

(f) "Practicing veterinary medicine" except as herein-after stated, means: A person shall be considered as practicing veterinary medicine who holds himself out as being able to diagnose, treat, operate on, or prescribe for any disease, pain, injury, deformity or physical condition and who shall either offer or undertake by any means or methods to diagnose, treat, operate on or prescribe for any animal pain, injury, deformity or physical condition for compensation; or who for compensation or with expectation of receiving compensation, advises, recommends, administers or dispenses a drug, medicine, appliance or application, operation or treatment of whatever nature for the prevention, cure or relief of a wound, fracture or bodily injury or disease of any animal; or any person who shall advertise or hold himself out to the public as a veterinary physician, surgeon, or specialist or who shall use any title so indicating or who shall append to his name either by prefit, affix, or otherwise, the letters V. S., D. V. S., M. D. V., D. V. M., V. M. D., or B. V. Sc.

Section 2 There hereby is created a board to be known as the "Kentucky Board of Veterinary Examiners". Said Board shall consist of the Commissioner, who shall be Chairman, and four (4) appointed members. A person to be eligible for appointment as a member of said Board shall be a citizen of the Commonwealth of Kentucky who shall have been lawfully engaged in the practice of veterinary medicine in this Commonwealth for at least five (5) years next preceding the date of his appointment. No person shall be eligible to be or remain an appointed member of said Board who during any part of the aforesaid five-year period next preceding his appointment, or at the time of his appointment, or during his term is or has been a stockholder, member of the faculty or board of trustees of any college of veterinary medicine, surgery or dentistry that awards a degree in any of those subjects, or who is financially interested in any such college. The term of office of the four (4) appointed members first appointed shall be one, two, three and four years, respectively,

from March 1, 1948. Said members shall be appointed by the Governor, who shall designate the members to serve for the term of one year, the one who shall serve for the term of two years, the one who shall serve for the term of three years and the one who shall serve for the term of four years. Upon the expiration of the respective terms of the members first appointed the term of each successor shall be four years. Any vacancy in the membership of said Board shall be filled for the unexpired term by appointment by the Governor. On or before March 1, 1948, and annually thereafter, the Governor shall appoint one member of said Board, qualified as aforesaid, for the four (4) year term. Each member of the Board shall receive Twenty-five Dollars (\$25.00) per day for each day of service actually given in carrying out his duties under this Act, in addition to his necessary traveling, hotel and contingent expenses incurred in attending the meetings of the Board and in the performance of his duties, to be paid as the compensation and expenses of other officers are paid, except that they shall be paid out of the funds received under this Act. Each member, before beginning his term of office, shall file with the Secretary of State his written oath for the faithful discharge of his official duties.

Section 3. The members of the Board shall hold their first meeting as soon as practicable after they are appointed and qualified. They shall immediately proceed to organize by electing a Vice-Chairman and a Secretary-Treasurer. The last officer, namely, Secretary-Treasurer, need not be a member of the Board but shall possess all of the qualifications required of a person to be eligible for appointment as a member of said Board. Said officers shall hold their respective offices at the pleasure of the Board.

The Board shall hold a regular meeting for giving examinations under this Act on the last Monday in February and on the last Monday in July of each year, and such additional meetings for examinations or for any other purposes as the Board may deem necessary.

All meetings of the Board shall be held at the State Capital at such time and at such place as the Board may see fit, and due notice shall be given to each member of the

Board of the time and place of each meeting, and due notice shall be given to all applicants for examination for a license of the time and place at which the examination will be given.

Said Board shall adopt and have a common seal bearing the name "Kentucky State Board of Veterinary Examiners."

The Board shall make and adopt such by-laws, rules and regulations as it may deem necessary and proper to effectively carry out and enforce the provisions of this Act.

Section 4. The Board shall fix the amount of the monthly or annual salary to be paid to the Secretary-Treasurer for his services and may assign to the Secretary-Treasurer such duties as it may determine which are not inconsistent with the provisions of this Act. If the Secretary-Treasurer be a member of the Board he shall not be allowed and shall not draw the per diem compensation provided in Section 2 of this Act but shall draw such compensation or salary as the Board may fix pursuant to the provisions of this Section. The Secretary-Treasurer shall be required to give bond, to be approved by the Board, for the faithful performance of his duties, and said bond shall be filed in the office of the Secretary of State.

The Board shall employ, and at its pleasure discharge, such stenographers, clerks and other employees as it shall deem necessary to discharge the duties imposed upon it by the provisions of this Act, and the Board shall outline the duties and fix the compensation of each person employed by it, subject to the general laws of this State. The Board shall obtain such office space, furniture, stationary, fuel, light and other proper conveniences as shall be reasonably necessary to carry out the provisions of this Act.

Section 5. All licenses to practice veterinary medicine in this Commonwealth which have heretofore been issued under the laws of this Commonwealth and which have not been revoked and which are in effect at the time of the effective date of this Act, shall continue to be valid under the terms of this Act and may be renewed from year to year, as hereinafter provided, but shall be subject to revocation as in this Act provided. The holder of any such existing valid license shall not be required to take any other or further examination

unless said license be revoked or suspended as provided in this Act, but each said license shall be renewed annually on or before June 30 in each year. Every licensed veterinarian shall have his license renewed each year on or before June 30, the renewal to be as of July 1 of each year.

(2) Any person who had been a practitioner of veterinary medicine, surgery or dentistry in this Commonwealth for a period of one (1) year next prior to March 24, 1916, upon application to the Board and the payment to the Board of a fee of twenty-five (\$25.00) dollars, shall be entitled to a license, and said Board shall issue to such applicant a license on the standard form used and approved by the Board, signed by its Chairman and Secretary-Treasurer and attested by its seal, which license he shall have recorded in the office of the county court clerk of the county in which he resides, as provided in Section 11 of this Act. No license shall be issued under the provisions of this subsection after the 30th day of June, 1948, except as to applications filed with the Board prior to said date.

Section 6. It shall be the duty of the Secretary-Treasurer of the Board to collect, account for and pay into the State Treasury all fees provided by this Act, and to keep a book for a permanent record showing the names and addresses of all persons in this Commonwealth who holds a veterinarian's license, the names and addresses of all persons to whom a veterinarian's license is issued by the Board, and the names and addresses of all veterinarians whose license is renewed in each year and the date of such renewal, and such other records as the Board may prescribe.

Section 7. The Board, upon application and payment of a fee of Twenty-five dollars (\$25.00) may issue a license, without any examination, to any person who holds a veterinarian's license issued to him by the proper authority of any other State of the United States or any Country, if the requirements of such State or Country under which the said license was issued, at the time of the issuance of such license, were of a standard not lower than the standards required for the issuance of a new license under the provisions of this

Act and if such other State or Country recognizes and accepts the veterinarian's licenses issued under the provisions of this Act. The Board may make all rules and regulations, not inconsistent with this Act, governing the matter of reciprocity with other States and Countries, and among other things may require that such applicant submit proof, satisfactory to the Board, of his good moral character and fitness, and that such applicant has been actively engaged in the practice of veterinary medicine for such period of time as may appear to the Board to be reasonable, not less, however, than a period of one year next preceding the date of such application.

Section 8. Any person not entitled to a license or to a certificate of license under the provisions of Sections 5 and 7 of this Act, or any person who hereafter shall wish to practice veterinary medicine in this Commonwealth, before entering upon the practice of veterinary medicine shall first pass an examination as to his qualifications and fitness to engage in such practice. Said examinations shall be conducted by the Board. An applicant for such examination shall be a graduate of a veterinary college having standards and requirements equal to the standards and requirements adopted by the American Veterinary Medicine Association in 1941. He shall be at least twenty-one years of age and shall be of good moral character.

An application to the Board for admission to a licensing examination shall be led with the Secretary-Treasurer of the Board on forms prepared and approved by the Board, which forms will be furnished to the applicant by the Secretary-Treasurer without cost to the applicant. Each applicant must submit with his application proof, satisfactory to the Board, that he is a graduate of a veterinary college meeting all of the standards for approval by the American Veterinary Medical Association, as aforesaid; that he is at least twenty-one years of age, and of good moral character. Each application shall be accompanied by the payment to the Board of an examination fee of Twenty-five Dollars (\$25.00).

No person hereafter shall be examined by the Board unless:

(a) He shall have paid to the Board Twenty-five Dollars (\$25.00) in advance, which in no case is returnable, and

(b) He shall have presented to the Board satisfactory proof of his qualifications to be admitted to the examination, as provided in this Act.

Each person who successfully passes an examination before the Board shall receive a certificate of license to practice veterinary medicine, which license shall be signed by the Chairman and Secretary-Treasurer of the Board, and the seal of the Board shall be affixed thereon. The certificate of license shall state that the person to whom it is issued has passed the prescribed examination and is competent to practice veterinary medicine, surgery and dentistry. A copy of such license shall be recorded by the Secretary-Treasurer of the Board in a book kept for that purpose, which shall be open to public inspection.

Section 9. Each examination hereinabove provided for shall be held by the Board upon the following subjects:

- (1) The subjects of the written examination shall be:
 - (a) Anatomy, including histology and embryology.
 - (b) Physiology and biochemistry.
 - (c) Bacteriology and immunology.
 - (d) Pathology and diagnosis.
 - (e) Parasitology.
 - (f) Medicine, Materia medica, therapeutics, pharmacology.
 - (g) Surgery.
 - (h) Obstetrics.
 - (i) Sanitation, hygiene, meat and milk inspection.

These examinations may include questions on hygiene, sanitation and preventive medicine.

Any candidate who fails in more than two subjects of the written examination shall be considered as conditioned in those subjects and may remove the condition at any subsequent examination held within two years, without the payment of an additional fee. If he fails in more than two subjects he shall be re-examined in all subjects of the written examination

and shall pay an additional examination fee of Twenty-five Dollars (\$25.00) for each such examination.

(2) In addition to the written examination, each applicant shall be subjected to a practical examination and the subjects of the practical examination and their scope shall be as follows:

Part I. Horses—Handling and restraint, physical examination, diagnosis and treatment.

Part II. Cattle—Handling and restraint, physical examination, diagnosis and treatment of diseases, examination for pregnancy.

Part III. Milk production—Physical examination of cattle with special reference to the production of wholesome milk.

Part IV. Dogs and cats—Handling and restraint, recognition of the breed, physical examination, diagnosis and treatment.

Part V. Sheep, goats, swine and poultry—Handling and restraint, physical examination, diagnosis and treatment.

These examinations shall be conducted in such manner that the results shall be entirely fair and impartial, and with respect to that part of the examinations conducted in writing the applicants shall be known only by numbers, so that no member of the Board shall be able to identify the papers of any applicant until they have been graded, and all questions and answers, with the grade attached, shall be preserved in the office of the Board for at least two years. All applicants examined at any one time shall have the same questions asked them and shall be required to make an average grade of at least seventy-five with a minimum of sixty in any one branch or subject in order to successfully pass the examination.

Section 10. The Board shall keep a record of its proceedings in a book provided for that purpose, which book shall be open for inspection, and shall record the name of each applicant, the time of granting a certificate of license, the names of the members of the Board present; and where a certificate of license is denied by the Board to any appli-

cant under the authority of this Act, the fact and ground of each denial shall be entered in the minutes of the Board and shall be communicated in writing to such applicant.

Section 11. Every person receiving a certificate of license from the Board shall forthwith have it recorded in the office of the county clerk of the county in which he resides, and the date of such recording shall be endorsed thereon; and said certificate of license when so recorded shall not be collaterally questioned in any legal proceedings. Until his certificate of license is recorded the holder shall not exercise any of the rights or privileges therein conferred. The clerk shall be paid fifty cents (50c) for recording each certificate and making the report thereof provided for in Section 12 of this Act. Any registered veterinarian moving his residence from one county in this State to another in order to practice veterinary medicine shall in like manner record the certificate of license in the county to which he removes and the holder of the certificate shall pay to the county clerk the usual fee for so doing. Veterinarians who have registered in the county in which they reside may go from such county to another or other counties on professional business without being required to register in such other county or counties.

Section 12. The county clerk of each county shall keep in a book provided for that purpose a complete list of the certificates of licenses recorded by him, together with the date of each and the date of recording. If the certificate of license was issued after examination and not under Sections 5 and 7 of this Act, the said county clerk shall enter the name of the veterinary college which conferred the diploma upon the licensee upon which his admission to the examination was based and the date when conferred. In any case the clerk hereafter, beginning with the last Monday in August, 1948, and annually thereafter, shall report to the Secretary-Treasurer of the Board a list of all veterinarians whose certificates of license have been recorded in his office.

Section 13. All fees and other monies received by the Board pursuant to the provisions of this Act and pursuant to the provisions of Chapter 321 of the Kentucky Revised

Statutes (which is repealed by this Act) shall be paid to the Secretary-Treasurer of the Board for the use of the Board and shall be deposited in the State Treasury to the credit of a revolving fund for the use of the Board. No part of this revolving fund shall revert to the general funds of this Commonwealth. The compensation of members of the Board and the Secretary-Treasurer of the Board and all of the employees of the Board and all expenses incurred by the Board shall be paid from this revolving fund. No such compensation or expenses shall be charged against the general funds of this Commonwealth. The Board shall file an annual report of its activities with the Governor and such report shall include a statement of all receipts and disbursements.

Section 14. All persons licensed under the provisions of this Act shall, on or before June 30 of each year, apply to the Board for the renewal of his license and the applicant shall pay to the Board with each application a fee, the amount of which shall be determined and fixed by the Board, not to exceed Ten Dollars (\$10.00). The Board, upon receipt of such application and renewal fee, shall issue to the applicant a certificate of renewal of such license under the seal of the Board, signed by the Chairman and Secretary-Treasurer. Any veterinarian who fails to have his license renewed shall forfeit his right to practice veterinary medicine after sixty (60) days from the time of notice of such failure has been mailed by the Secretary-Treasurer of the Board to his last address as shown on the records of said Board. The Secretary-Treasurer shall mail to each licensed veterinarian in this Commonwealth a form of application on or before June 1 in each year. The failure of any veterinarian to obtain a renewal of his license on or before June 30 of each year shall operate, ipso facto, as a forfeiture of the license of such delinquent at the expiration of sixty (60) days after such delinquency until such licensee obtains a reinstatement of the license upon application to the Board within six (6) months after such delinquency. The Board may reinstate such license upon application of the holder if the application be received by the Board within six (6) months from the date the delinquency occurred, upon the payment to the Board of a reinstatement and re-

newal fee of Fifteen Dollars (\$15.00). When a license has become forfeited as provided in this section, and during the period of such forfeiture, the person holding such license shall not have or exercise any rights or privileges by reason thereof. Provided, however, the license of any veterinarian shall remain in full force and effect without any renewal thereof and without the payment of any renewal fee during the time that the holder thereof is actively serving in any of the armed forces of the United States and for six months thereafter. Within six months after the termination of such service the holder of the license may have it renewed as hereinabove in this Section provided.

Section 15. Except as hereinafter in Section 16 provided, no person shall practice veterinary medicine or perform any of the duties usually performed by a veterinarian unless such person at the time holds a certificate of license to practice veterinary medicine issued and validly existing under the laws of this Commonwealth and whose license is duly recorded in the county in which the holder resides, as provided in this Act. No person who violates any of the provisions of this Section may receive or accept any compensation for services so rendered.

Section 16. None of the provisions of this Act shall be construed to prohibit any of the following:

(1) Any person from gratuitously treating animals in cases of emergency if they do not represent themselves to be veterinarians or use any title or degree pertaining to veterinary practice.

(2) The owner of any animal or animals and the owners' full-time, regular employees from caring for and treating any animals belonging to such owner.

(3) Any person from castrating animals, from dehorning cattle, or trimming or cutting the ears or tails of dogs, from treating minor sprains, cuts or other minor injuries of animals when such person does not represent himself to be a veterinarian or use any title or degree pertaining to veterinary medicine.

(4) Nothing in this Act shall prevent any student enrolled in any veterinary school or college or any employee from working under the direct instructions, direct control or direct supervision of a veterinarian who is duly licensed under the laws of this Commonwealth and whose compensation is paid solely by such licensed veterinarian.

(5) Non-licensed veterinarians and others in the United States Army or United States Bureau of Animal Industry while engaged in the performance of their official duties, or other lawfully qualified veterinarians residing in other States, meeting licensed veterinarians of this State in consultation, or any lawfully qualified veterinarian residing near the border of a neighbor State and authorized under the laws of that State to practice veterinary medicine in that State whose practice extends into the limits of such State; but such practitioner shall not open any office or appoint any place to meet clients or prospective clients within the limits of this State.

(6) Nothing in this Act shall prevent any person from treating diseases of animals for compensation at any place which is twenty (20) miles or more distant from the office or place of business of the nearest practicing veterinarian who is licensed as such under the laws of this Commonwealth.

Nothing in this chapter shall interfere with the professional activities of any licensed pharmacist or prevent him from selling drugs, medicines, appliances or any other product used in the prevention or treatment of swine diseases.

Section 17. The Board may refuse to issue a certificate of license provided for in this Act for any of the following causes:

(1) The presentation to the Board of any license, certificate or diploma which was illegally or fraudulently obtained, or for any fraudulent conduct of the party in passing an examination given under the provisions of this Act.

(2) Habitual drunkenness or habitual addiction to the use of narcotics.

Section 18. The Board may suspend or revoke a certificate of license or license for any of the causes for which it

may refuse to grant a license under the provisions of this Act, and for the following causes:

(1) For dishonesty in applying a tuberculin test on cattle or making a false record of such test.

(2) For dishonesty in applying a brucellosis (Bang's disease) test or making a false record of such test.

(3) For the procuring of a license by fraudulent means.

(4) For false advertising of medical practice intended, or having a tendency, to deceive and defraud the public.

(5) For the conviction of any felony or crime involving moral turpitude.

(6) Any gross negligence, incompetence or misconduct in the practice of veterinary medicine in this Commonwealth.

Section 19. The Board, before denying an application for license under the provisions of Section 17 of this Act or before suspending or revoking any license under the provisions of Sections 17 and 18 of this Act, shall set the matter down for hearing; and, at least twenty (20) days prior to the date set for the hearing it shall notify the applicant or licensee in writing, which said notice shall contain an exact statement of the charges made and the date and place of the hearing. The applicant or licensee in all hearings shall have the opportunity to be heard in person and by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the applicant or licensee or by mailing same by registered mail to the last known business address of such applicant or licensee. The hearing on such charges shall be at such time and place as the Board shall prescribe.

Section 20. In the preparation and conduct of such hearings the Board shall have the power to require by subpoena the attendance and testimony of witnesses and the production of papers and records, and any member of the Board, when authorized by the Board, may sign and issue subpoenas, administer oaths and affirmations, examine witnesses and hear and receive evidence. The fees and mileage shall be the same as prescribed by law in judicial procedure in the courts

of this State in civil cases. Any party to any hearing before the Board shall have the right to the attendance of witnesses in his behalf at such hearing upon making a request thereof to the Board and designating the person or persons sought to be subpoenaed and their location or addresses.

In case of disobedience to the subpoena the Board may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of records and papers; and such court may issue an order requiring the persons to appear before the Board and give evidence and to produce records and papers, as the case may be; and any failure to obey such order may be punished by the court as contempt thereof.

Testimony may be taken by deposition as in civil cases and any person may be compelled to appear and to depose in the same manner as witnesses may be compelled to appear and testify as hereinabove provided.

Any person who shall neglect or refuse to attend and testify or to answer any lawful inquiry or to produce documentary evidence if in his power to do so, in obedience to a subpoena or lawful requirement by said Board or member thereof, shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) or imprisoned not less than ten (10) days nor more than thirty (30) days, or both so fined and imprisoned in the discretion of the jury.

Section 21. The witnesses and officers who serve the subpoenas shall be entitled to the fees allowed in civil actions in the circuit courts of this Commonwealth. Such fees shall be audited and paid in the same manner as other expenses of the Board are audited and paid. No witnesses subpoenaed at the instance of any party other than the Board shall be entitled to the payment of fees by the Board unless the Board certifies that the testimony of such witness was material.

Section 22. If the Board, pursuant to the provisions of Section 17 of this Act, shall determine, after due hearing, that any applicant is not entitled to receive a license such

license shall not be granted to the applicant; and if the Board, after due hearing, shall determine that any licensee is guilty of a violation of the provisions of Section 17 or 18 of this Act the license shall be suspended or revoked. The Board, upon request of the applicant or licensee, shall furnish said applicant or licensee with a definite statement of its findings of fact and its reason or reasons for refusing to grant the license or suspension of the rights of the licensee or for revocation of the license, as the case may be. The findings of fact by the Board acting within its powers shall, in the absence of fraud, be conclusive, but any person aggrieved shall have the right of an appeal from the findings of the Board.

Upon suspension or revocation of any license or certificate of license it shall be the duty of the Board to give official notice of such action, under seal, to the county clerk of the county in which the holder is registered, and such name shall be marked as suspended for the period indicated or stricken from the register in accordance with such notice, and if such holder shall continue the practice he shall thereupon be subject to the penalties provided in this Act.

Section 23. Any party aggrieved by the action of the Board in refusing to grant a license, or in suspending or revoking a license upon the basis of the provisions of sections 17 and 18 of this Act, or either of said sections, within thirty (30) days after the entry by the Board of such order of refusal, revocation or suspension, may bring an action against the Board in the Franklin Circuit Court to vacate or set aside the order of the Board on the ground that it is unlawful or unreasonable. Service of summons or any notice upon the Board may be made on the Chairman or the Secretary-Treasurer of the Board, which will constitute effective service on said Board and all its members.

The answer of the Board shall be filed within twenty (20) days after the Board is served with process in such action. The action will then be at issue, and stand ready for trial upon ten (10) days notice to either party, on the equity side of the docket of the court. Injunctive relief may be granted by the court in the manner and upon the terms provided by law.

Section 24. If an action is commenced against the Board, as authorized in Section 23 of this Act, the Board shall promptly cause a certified transcript of all proceedings had and testimony taken therein to be made and filed with the Clerk of the Court in which the action is pending. The cost of preparing and certifying the record shall be paid to the Board by the party bringing the action, and taxed as part of the costs, to be paid as directed by the Court upon final determination of the action. Copies of the transcript shall be furnished at cost to any party to the proceeding. The action or appeal shall be determined by the Court upon the record certified and filed as herein provided, and no new or additional evidence shall be heard or considered by the Court unless it appears to the Court from said record that the complaining party was denied the opportunity of a fair hearing before the Board.

The Court shall enter a judgment either sustaining the order of the Board, or setting aside, or vacating it in whole or in part. Either party to the action may, within sixty (60) days after the entry of the judgment of the Circuit Court, appeal to the Court of Appeals, and the appeal when filed in the office of the Clerk of the Court of Appeals shall be docketed and advanced in the same manner as Commonwealth cases.

Section 25. No person who has had a license revoked for cause shall be issued another license within five (5) years from the date of such revocation.

Section 26. Any person who shall violate or aid in the violation of any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00), or sentenced to jail for not less than ten (10) days nor more than ninety (90) days, or both so fined and imprisoned in the discretion of the jury.

Section 27. The practice of veterinary medicine, veterinary surgery or veterinary dentistry by any unregistered, unlicensed person hereby is declared to be a menace and a nuisance, dangerous to the public health and safety, and it

shall be the duty of the Board to promptly abate or cause to be abated such practice by instituting or causing to be instituted in the name of the Commonwealth of Kentucky, on relation of said Board, a suit in a court of competent jurisdiction in the county in which such practice is conducted for an injunction, and upon proof of such violation the court shall issue an injunction prohibiting such persons from engaging in the practice of veterinary medicine, veterinary surgery or veterinary dentistry unless it shall appear to the court that such practitioner is duly licensed and registered as provided in this Act. The Board hereby is empowered to file such petitions and prosecute such actions, and it is made its duty so to do. The liability for or imposition of penalties provided for in this Act shall not constitute any basis or grounds for the denial or an injunction to prohibit the practice of veterinary medicine, veterinary surgery or veterinary dentistry without a certificate of license as provided in this Act.

Section 28. Chapter 321 of the Kentucky Revised Statutes hereby is repealed in its entirety; and all other laws and parts of laws in conflict herewith hereby are repealed to the extent of such conflict.

Section 29. The sections, clauses, sentences and parts of this Act are severable and are not matters of mutual essential inducement; and if any one or more of the provisions of this Act shall be adjudged invalid or inoperative such judgment shall not invalidate the remaining provisions of this Act but such judgment shall be confined in its operation to the specific provision or provisions so held invalid or inoperative; and the inapplicability or invalidity of any section, clause, sentence or part of this Act in any one or more instances shall not affect the applicability or validity in any other instances or the validity or application of any other part or provision of this Act.

Section 30. Whereas, the practice of veterinary medicine by unqualified person or persons endangers the public health and safety, and whereas the present laws of this Commonwealth with respect to the practice of veterinary medicine or inadequate to safeguard life, health and property, an emer-

gency is declared to exist and this Act shall become and be effective immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	Harmon S. Overby
Jason Alford	C. J. Holsclaw	H. M. Pewitt
Roy W. Arnold	Richard R. Houpt	J. H. Polsgrove
Sidney Baer	Clyde S. Howard	Hobart Rayburn
Levi Baker	D. W. Howard	Ottis Roberts
C. E. Baumgardner	M. G. Howard	Lilburn S. Rogers
Fred Beshear	Ira W. Hulette	Amos Runyan
Isaac M. Blevins	Laban P. Jackson	Glenn Rushing
Mrs. Mary Burnett	Kerby Jennings	Dr. K. N. Salyer
Chas. W. Burnley	Paul S. Jonas	D. B. Saylor
A. H. Calvert	J. Ernest Jones	James J. Shannon
Earl W. Christian	Ercel Kozee	Paul E. Shannon
George I. Cline	Harry K. Lowman	Chas. L. Spillman
Everett T. Cooper	W. E. McClure	John M. Stumbo
Perry M. Cross	F. G. Marquette	G. C. Thornton
Owen Deering	E. H. Martin	John C. Watts
G. I. Drury	C. D. Moberly	Lawrence Watts
Henry C. Hale	Archie R. Moore	Lynn Boyd Wells
N. M. Hamilton	Davis Moore	Geo. F. Williamson
James P. Hanratty	E. C. Mullins	Charles W. Wirsch
Dennis Henderson	Stanley Murphy	—62

Those who voted in the negative were—

Walter Moorman LeRoy Saylor

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 213. An Act to amend the laws with reference to writing of multiple lines of insurance.

Said bill is as follows, viz.:

An Act relating to insurance; amending Section 298.030 of the Kentucky Revised Statutes to permit any company authorized by law to engage in the business of insurance, other than life insurance, in this state, to write all classes of business enumerated in said amended section and amending Section 298.060 of the Kentucky Revised Statute to require increased capital for companies exercising the powers to write certain combinations of risks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 298.030 of the Kentucky Revised Statutes be and the same is hereby amended to read as follows, to wit:

“298.030. Any company authorized by law to engage in the business of insurance, other than life insurance, in this state, may write the following kinds of insurance unless prohibited by its charter:

(1) Fire insurance, which shall include the following:

(a) Insurance against loss or damage to property and loss of use and occupancy by fire, lightning, storm, hail, tempest, earthquake, frost or snow, riot and civil commotion, smoke, smudge, vandalism, malicious mischief, explosion with fire ensuing or explosion with no fire ensuing, except ex-

plosion by steam boilers or flywheels, provided, however, that there may be insured hereunder explosion of pressure vessels, (not including steam boilers of more than fifteen pounds' pressure) in buildings designed and used solely for residential purposes by not more than four families, explosion of any kind originating outside of the insured building, or outside of the building containing the property insured, and explosion of pressure vessels which do not contain steam or which are not operated with steam coils or steam jackets.

(b) Insurance against loss or damage by insects or disease to farm crops or products, and loss of rental value of land used in producing such crops or products.

(c) Insurance against accidental injury to sprinklers, pumps, water pipes, elevator tanks and cylinders, steam pipes and radiators, plumbing and its fixtures, ventilating, refrigerating, heating, lighting or cooking apparatus, or their connections, or conduits or containers of any gas, fluid, or other substance, and against loss or damage to property of the insured caused by the breakage or leakage thereof, or by water hail, rain, sleet or snow seeping or entering through water pipes, leaks or openings in buildings.

(d) Insurance against loss or damage caused by railroad equipment, motor vehicles, airplanes, seaplanes, dirigibles or other aircraft.

(e) Insurance against the risk of inland transportation and navigation upon vessels, freight, goods, money, effects, and money loaned on bottomry or respondentia, against the perils of the sea and other perils usually insured against by marine insurance.

(f) Insurance upon automobiles, and all other cars and vehicles, whether stationary or operated under their own power and aircraft, against loss or damage by any of the causes or risks mentioned herein, including also transportation, collision, burglary, theft, liability for bodily injuries to the person or liability for damage to property resulting from owning, maintaining or using automobiles and aircraft; and

(g) By and with the approval of the Director of Insurance, against other loss or damage to property or interest

therein, the insurance against which is not exclusively delegated to another class or kind of company.

(2) Casualty and miscellaneous insurance, which shall include the following:

(a) Insurance against death or personal injury by accident or by any specified kind or kinds of accident, and insurance against sickness, ailment, or bodily injury.

(b) Insurance against the legal liability, whether imposed by common law or by statute or assumed by contract, of any employer for the death or disablement of, or injury to, his or its employee.

(c) Guaranteeing the fidelity of persons holding positions of public or private trust; and becoming surety on, or guaranteeing the performance of, any lawful contract; and becoming surety on or guaranteeing the performance of, bonds and undertakings required or permitted in all judicial proceedings or otherwise by law allowed; indemnifying banks, bankers, brokers, financial or monied corporations or associations against loss resulting from any cause of bills of exchange, notes, bonds, securities, evidences of debts, deeds, mortgages, warehouse receipts, or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semi-precious stones, including any loss while the same are being transported in armored motor vehicles, or by messenger, but not including any other risks of transportation or navigation; also against loss or damage to such an insured's premises, or to his furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt thereat.

(d) Insurance against loss of or damage to any domesticated or wild animal resulting from any cause.

(e) Insurance against loss of or damage to glass and its appurtenances resulting from any cause.

(f) Insurance against loss of or damage to any property of the insured, resulting from the explosion of or injury to

(1) any boiler, heater or other fired pressure vessel; (2) any unfired pressure vessel; (3) Pipes or containers connected with any of said boilers or vessels; (4) any engine, turbine, compressor, pump or wheel; (5) any apparatus generating, transmitting or using electricity; (6) any other machinery or apparatus connected with or operated by any of the previously named boilers, vessels or machines; and including the incidental power to make inspections of and to issue certificates of inspection upon, any such boilers, apparatus, and machinery, whether insured or otherwise.

(g) Insurance against loss of or damage to any property resulting from burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation or wrongful conversion, disposal or concealment by any person or persons, or from any attempt at any of the foregoing; and insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances or any other valuable papers or documents, resulting from any cause, except while in the custody or possession of and being transported by any carrier for hire or in the mail; insurance of individuals by means of an all-risk type of policy commonly known as the "Personal Property Floater" against any kind and all kinds of loss of or damage to, or loss of use of, any personal property other than merchandise.

(h) To guarantee and indemnify merchants, traders, and those engaged in business and giving credit, from loss or damage by reason of giving and extending credit to their customers and those dealing with them, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest it may have in any property by means of any loans that it may have made on mortgages; and including incidental power to acquire and dispose of debts so insured and to collect any debts owed to such insurer or to any person so insured by him.

(i) Upon automobiles, all other cars and vehicles, and aircraft, including public liability, property damage, collision, fire and burglary and theft insurance, and to insure the owners of such automobiles, all other cars and vehicles, and aircraft,

against such losses as arise out of the ownership, operation or maintenance of the same, and generally to do and perform all other matters and things proper to promote these objects.

(j) Insurance against loss or damage by water or other fluid or substance to any property resulting from the breakage or leakage of sprinklers, pumps or other apparatus erected for extinguishing fires or of water pipes or other conduits or containers, or resulting from casual water entering through leaks or openings in buildings or by seepage through building walls, but not including loss or damage resulting from flood or the rising of the waters of the ocean or its tributaries; and including insurance against accidental injury of such sprinklers, pumps, fire apparatus, conduits or containers.

(k) Insurance against loss of or damage to any property of the insured, resulting from the ownership, maintenance or use of elevators, except loss or damage by fire.

(l) Insurance against loss of or damage to any property of the insured resulting from collision of any other object with such property, but not including collision to or by elevators, or to or by vessels, craft, piers or other instrumentalities of ocean or inland navigation.

(m) Insurance against legal liability of the insured, and against loss, damage or expense incident to a claim of such liability, and including an obligation of the insurer to pay medical, hospital, surgical and funeral benefits to injured persons, irrespective of legal liability of the insured, arising out of the death or injury of any person, or arising out of injury to the economic interests of any person as the result of negligence in rendering expert, fiduciary or professional service, but not including any kind of insurance specified in paragraph (b).

(n) Insurance against legal liability of the insured, and against loss, damage or expense incident to a claim of such liability, arising out of the loss or destruction of, or damage to, the property of any other person, but not including any kind of insurance specified in paragraph (b) or (m).

2. That subsection (1) of Section 298.060 of the Kentucky Revised Statutes be and the same is hereby amended to read as follows, to wit:

“(1) No stock insurance company shall be incorporated in this state to do other than a life business with a smaller capital than \$50,000. Any domestic company undertaking to write any of the kinds of insurance set forth in subsection (1) of K. R. S. 298.030 and also any of the kinds of insurance set forth in subsection (2) of K. R. S. 298.030 shall have a capital of at least \$100,000. Nothing in this subsection is intended to alter laws pertaining to reciprocal associations or exchanges.”

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. J. Holsclaw	Lilburn S. Rogers
Jason Alford	Clyde S. Howard	Amos Runyan
Roy W. Arnold	D. W. Howard	Glenn Rushing
Levi Baker	M. G. Howard	Dr. K. N. Salyer
Fred Beshear	R. N. Hubbard	James J. Shannon
Mrs. Mary Burnett	Ira W. Hulette	Paul E. Shannon
Chas. W. Burnley	Kerby Jennings	James S. Shaw
A. H. Calvert	L. H. Jones	Chas. L. Spillman
Earl W. Christian	Ercel Kozee	Geo. W. Steinfeld
George I. Cline	Harry K. Lowman	John M. Stumbo
Robert Collins	W. E. McClure	G. C. Thornton
Perry M. Cross	F. G. Marquette	John C. Watts
Horace T. Cull	E. H. Martin	Lawrence Watts
Owen Deering	Davis Moore	Lynn Boyd Wells
G. I. Drury	H. M. Pewitt	Rodney Whitlow
Henry C. Hale	J. H. Polsgrove	Geo. F. Williamson
N. M. Hamilton	E. F. Prichard	Charles W. Wirsch
James P. Hanratty	Ottis Roberts	
Dennis Henderson	F. L. Robinson	

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There voted in the negative—

Walter Moorman

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 221. An Act relating to mutual insurance companies, other than life; amending KRS 301.050 and 301.070 and subsection (1) of KRS 301.030.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (1) of Section 301.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) When by the laws of any other state, district or territory any company is authorized to engage in the business of insurance, other than life insurance, on the mutual plan in accordance with the laws of the state, district or territory in which the company is organized, and is solvent and possessed of a surplus over and above all of its liabilities at least equal to the amount required by KRS 301.050 but not less than three hundred thousand dollars if authorized to transact any of the kinds of insurance specified in subsection (2) of KRS 301.070, it shall be admitted to do the kinds of insurance permitted to like mutual insurance companies organized under the laws of the Commonwealth when it shall have complied with the following requirements, to wit:

(a) Filed with the Director a duly certified copy of the charter and articles of association.

(b) Filed with the Director a copy of its by-laws, certified to by its secretary.

(c) Appointed the Director as a person upon whom process may be served, which when so served shall be of the same force and effect as if served upon the company. This authority shall continue in force so long as liability remains outstanding in this Commonwealth.

(d) Filed a certificate of the person charged with the administration of the insurance laws in the state in which the company is organized, certifying that the company is organized and authorized to do such business in that state.

(e) Filed a financial statement under oath, in such form as may be required, complied with the other provisions of law applicable to the filing of papers by, and the audit and inspection of stock companies transacting the same kind of insurance.

(f) Paid the Director a fee of twenty-five dollars.

Sec. 2. Section 301.050 of the Kentucky Revised Statutes is amended to read as follows, to wit:

(1) No such company shall issue policies or transact any business of insurance until the Director has, by formal license, authorized it to do so.

(2) A license shall not be issued to a company organized to transact the kinds of insurance described in subsection (1) of KRS 301.070 until the company has complied with the following conditions:

(a) Applications for at least two hundred risks, for at least twenty members, shall be subscribed, aggregating not less than five hundred thousand dollars insurance.

(b) The maximum of any single risk less reinsurance shall not exceed ten per cent of the surplus possessed by the company. Any reinsurance shall take effect simultaneously with the policy, being deducted in determining the maximum single risk.

(c) A premium upon each application shall be collected in cash and the company shall hold a surplus of not less than fifty thousand dollars.

(3) A license shall not be issued to a company organized to transact the kinds of insurance described under paragraphs

(a) to (m) inclusive, of subsection (2) of KRS 301.070 until the company has complied with the following conditions:

(a) To transact the kind of insurance described in paragraph (a) of subsection (2) of KRS 301.070 it shall have bona fide applications for insurance from at least five hundred members, upon which a premium has been paid, and a surplus of at least twenty-five thousand dollars.

(b) To transact any one of the kinds of insurance described in paragraphs (e), (f), (g), (l) or (m) of subsection (2) of KRS 301.070 it shall have bona fide applications for insurance from at least twenty members, upon which a premium has been paid and a surplus of at least fifty thousand dollars.

(c) To transact any one of the kinds of insurance described in paragraphs (c) or (d) of subsection (2) or KRS 301.070 it shall have a surplus of at least two hundred thousand dollars.

(d) To transact the kind of insurance described in paragraph (h) or (j) or (k) of subsection (2) of KRS 301.070 it shall have a surplus of at least twenty-five thousand dollars.

(e) To transact the kind of insurance described in paragraph (i) of subsection (2) of KRS 301.070 it shall have a surplus of at least fifty thousand dollars.

(f) To transact more than one of the kinds of insurance described in paragraphs (a), (e), (f), (g), (h), (i), (j), (k), (l) or (m) of subsection (2) of KRS 301.070 it shall have, except as provided in paragraph (h) of this subsection, a surplus equal to the combined requirements of all the paragraphs describing the kinds of insurance proposed to be transacted; but not more than two hundred thousand dollars.

(g) To transact the kind of insurance described in paragraph (b) of subsection (2) of KRS 301.070 it shall have bona fide applications for insurance from at least twenty separate employers who employ altogether at least fifteen hundred employees, and a surplus of at least fifty thousand dollars; and the provisions of this section with regard to maximum single risk shall not apply.

(h) To transact both the kinds of insurance described in paragraphs (h) and (i) of subsection (2) of KRS 301.070 where the business or membership of the company with respect to the transaction of business under paragraph (h) is limited to those engaged principally in the business of farming, dairying or beef cattle raising and the maximum liability under said paragraph (h) for any one animal is not more than two hundred and fifty dollars, or for more than one animal five thousand dollars, it shall have a surplus of fifty thousand dollars.

(4) In order for a company to be authorized to transact both the kind of insurance described in subsection (1) of KRS 301.070 and also one or more of the kinds of insurance described in subsection (2) of KRS 301.070 it shall have a surplus equal to the combined requirements of subsections (2) and (3) of this section for the kinds of insurance it proposes to transact; but not more than four hundred fifty thousand dollars.

(5) The maximum single risk assumed by any company transacting one or more of the kinds of insurance described in paragraphs (a) to (m) inclusive, of subsection (2) of KRS 301.070 shall not exceed ten per cent of the surplus possessed by the company. Any reinsurance taking effect simultaneously with the policy shall be deducted in determining the maximum single risk.

(6) No company that has been issued a license shall transact any business of insurance unless it continues to comply with the applicable conditions of this section.

Sec. 3. Section 301.070 of the Kentucky Revised Statutes is amended to read as follows, to wit:

Any company may be authorized under this chapter to make contracts of insurance, or to reinsure or accept reinsurance on any portion thereof, for one or more of the following kinds of insurance:

(1) Fire insurance, which shall include insurance against loss or damage to property and loss of use and occupancy by fire, lightning, storm, hail, tempest, earthquake, frost or snow, riot, and civil commotion, smoke, smudge, vandalism,

malicious mischief, explosion with fire ensuing and explosion without fire ensuing, except explosion by steam boilers or fly wheels, provided, however, that there may be insured hereunder explosion of pressure vessels (not including steam boilers of more than fifteen pounds' pressure) in buildings designed and used solely for residential purposes by not more than four families, explosion of any kind originating outside of the insured building or outside of the building containing the property insured, and explosion of pressure vessels which do not contain steam or which are not operated with steam coils or steam jackets; and also against loss or damage by insects or disease to farm crops or products, and loss of rental value of land used in producing such crops or products; and against accidental injury to sprinklers, pumps, water pipes, elevator tanks and cylinders, steam pipes and radiators, plumbing and its fixtures, ventilating, refrigerating, heating, lighting or cooking apparatus, or their connections, or conduits or containers of any gas, fluid, or other substance; and against loss or damage to property of the insured caused by the breakage or leakage thereof; or by water, hail, rain, sleet or snow seeping or entering through water pipes, leaks or openings in buildings; and against loss or damage caused by railroad equipment, motor vehicles, airplanes, seaplanes, dirigibles or other aircraft; against the risk of inland transportation and navigation upon vessels, freights, goods, money, effects, and money loaned on bottomry or respondentia; against the perils of the sea and other perils usually insured against by marine insurance; upon automobiles and all other cars and vehicles and aircraft whether stationary or operated under their own power, against loss or damage by any of the causes or risks mentioned herein, including also transportation, collision, burglary, theft and liability for damages to property resulting from owning, maintaining or using automobiles, cars, vehicles and aircraft and including burglary and theft but not including loss or damage by reason of bodily injury to the person; and by and with the approval of the Director of Insurance against other loss or damage to property or interest therein the insurance against which is not exclusively delegated to another class or kind of company.

(2) Casualty and miscellaneous insurance, which shall include the following:

(a) Insurance against death or personal injury by accident or by any specified kind or kinds of accident, and insurance against sickness, ailment or bodily injury.

(b) Insurance against the legal liability, whether imposed by common law or by statute or assumed by contract, of any employer for the death or disablement of, or injury to, his or its employee.

(c) Guaranteeing the fidelity of persons holding positions of public or private trust; and becoming surety on, or guaranteeing the performance of, any lawful contract; and becoming surety on or guaranteeing the performance of, bonds and undertakings required or permitted in all judicial proceedings or otherwise by law allowed; indemnifying banks, bankers, brokers, financial or monied corporations or associations against loss resulting from any cause of bills of exchange, notes, bonds, securities, evidences of debts, deeds, mortgages, warehouse receipts, or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semi-precious stones, including any loss while the same are being transported in armored motor vehicles, or by messenger, but not including any other risks of transportation or navigation; also against loss or damage to such an insured's premises, or to his furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt thereat.

(d) To guarantee and indemnify merchants, traders, and those engaged in business and giving credit, from loss or damage by reason of giving and extending credit to their customers and those dealing with them, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest it may have in any property by means of any loans that it may have made on mortgages; and including incidental power to acquire and dispose of debts so insured and to collect any debts owed to such insurer or to any person so insured by him.

(e) Insurance against loss of or damage to glass and its appurtenances resulting from any cause.

(f) Insurance against loss of or damage to property and any liability of the insured resulting from the explosion of or injury to (1) any boiler, heater or other fired pressure vessel; (2) any unfired pressure vessel; (3) pipes or containers connected with any of said boilers or vessels; (4) any engine, turbine, compressor, pump or wheel; (5) any apparatus generating, transmitting or using electricity; (6) elevators; (7) any other machinery or apparatus connected with or operated by any of the previously named boilers, vessels, elevators or machines; and including the incidental power to make inspections of and to issue certificates of inspections upon, any such boilers, elevators, apparatus, and machinery, whether insured or otherwise.

(g) Insurance against loss of or damage to any property resulting from burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation or wrongful conversion, disposal or concealment by any person or persons, or from any attempt at any of the foregoing; and insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances or any other valuable papers or documents, resulting from any cause; insurance of individuals by means of an all-risk type of policy commonly known as the "Personal Property Floater" against any kind and all kinds of loss of or damage to, or loss of use of, any personal property other than merchandise.

(h) Against loss of or damage to any domesticated or wild animal resulting from any cause.

(i) Against any loss, expense or liability resulting from the ownership, maintenance or use of any vehicle (motor or otherwise), draft animal or aircraft.

(j) Insurance against loss or damage by water or other fluid or substance to any property resulting from the breakage or leakage of sprinklers, pumps or other apparatus erected for extinguishing fires or of water pipes or other conduits or containers, or resulting from casual water entering through leaks or openings in buildings or by seepage through build-

ing walls, but not including loss or damage resulting from flood or the rising of the waters of the ocean or its tributaries; and including insurance against accidental injury or such sprinklers, pumps, fire apparatus, conduits or containers.

(k) Insurance against loss of or damage to any property of the insured resulting from collision of any other object with such property, but not including collision to or by elevators, or to or by vessels, craft, piers or other instrumentalities of ocean or inland navigation.

(l) Insurance against legal liability of the insured, and against loss, damage or expense incident to a claim of such liability, and including an obligation of the insurer to pay medical, hospital, surgical and funeral benefits to injured persons, irrespective of legal liability of the insured, arising out of the death or injury of any person, or arising out of injury to the economic interests of any person as the result of negligence in rendering expert, fiduciary or professional service, but not including any kind of insurance specified in paragraph (b); and including insurance against legal liability of the insured; and against loss, damage or expense incident to a claim of such liability, arising out of the loss or destruction of, or damage to, the property of any other person.

(m) Insurance against any other risk not otherwise specified in this subsection or in subsection (1) of this section and which may lawfully be the subject of insurance but not including life insurance.

(3) A company authorized to transact the type of insurance described in paragraph (i) of subsection (2) of this section may, without additional surplus, also insure against loss or damage by fire of or to any automobile.

(4) The right to transact more than one of the kinds of insurance described in subsections (1) and (2) of this section shall be subject to the provisions of KRS 301.050.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	E. F. Prichard
Jason Alford	Dennis Henderson	Hobart Rayburn
Sidney Baer	Carson Hibbitts	Ottis Roberts
Levi Baker	E. R. Hilton	F. L. Robinson
C. E. Baumgardner	C. J. Holsclaw	Lilburn S. Rogers
Fred Beshear	Richard R. Houpt	Amos Runyan
Chas. J. Bronston	Clyde S. Howard	Glenn Rushing
Mrs. Mary Burnett	D. W. Howard	Dr. K. N. Salyer
Chas. W. Burnley	M. G. Howard	James J. Shannon
A. H. Calvert	Ira W. Hulette	Paul E. Shannon
Earl W. Christian	Kerby Jennings	James S. Shaw
George I. Cline	Paul S. Jonas	Chas. L. Spillman
Robert Collins	J. Ernest Jones	Geo. W. Steinfeld
Everett T. Cooper	Ercel Kozee	G. C. Thornton
Perry M. Cross	W. E. McClure	John C. Watts
Horace T. Cull	E. H. Martin	Lawrence Watts
B. G. Davidson	Davis Moore	Lynn Boyd
Owen Deering	Stanley Murphy	Rodney Whitlow
G. I. Drury	Thomas A. Noe, Jr.	Charles W. Wirsch
N. M. Hamilton	J. H. Polsgrove	—59

Those who voted in the negative were—

E. C. Mullins	D. B. Saylor	John M. Stumbo
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—3

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 293. An Act to amend Section 64.150 relating to fees of Jailers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 64.150 of the Kentucky Revised Statutes be amended as follows:

64.150 Jailers (1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts, per day not exceeding	\$2.00
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Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day	2.00
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Putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of irons	.50
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Keeping and dieting prisoners in jail, in counties not containing a firstclass city, when confined for an offense other than felony or contempt of court, per day.....	1.25
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Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court, per day.....	1.00
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Imprisoning or releasing a prisoner charged with a misdemeanor	.60
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(2) Where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for violation of a statute where the city gets the benefits of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt.....	\$.60
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Keeping and dieting a prisoner charged with a felony or contempt, per day 1.25

Putting a prisoner charged with a felony or contempt in irons to secure his safekeeping in jail, besides the cost of the irons 50

Each day's attendance upon the circuit court..... 2.00

Furnishing fuel, light and water to the circuit court, not exceeding, per day 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

Mr. Robinson offered the following amendment to said bill, viz.:

Amend printed copy of Senate Bill No. 293 on page 2, line 17, by deleting the figure "\$1.00" and substituting in lieu thereof the figure "\$1.50".

Said amendment to said bill was agreed to.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. J. Bronston	Perry M. Cross
Jason Alford	Mrs. Mary Burnett	B. G. Davidson
Roy W. Arnold	Chas. W. Burnley	Owen Deering
Sidney Baer	Paul Carter	G. I. Drury
C. E. Baumgardner	George I. Cline	Kermit Dwyer
Fred Beshear	Robert Collins	Henry C. Hale
Isaac M. Blevins	Everett T. Cooper	N. M. Hamilton

James P. Hanratty	F. G. Marquette	Glenn Rushing
Dennis Henderson	E. H. Martin	Dr. K. N. Salyer
Carson Hibbitts	C. D. Moberly	D. B. Saylor
E. R. Hilton	Archie R. Moore	James J. Shannon
C. J. Holsclaw	E. C. Mullins	Paul E. Shannon
Richard R. Houpt	Stanley Murphy	James S. Shaw
Clyde S. Howard	Thomas A. Noe, Jr.	Chas. L. Spillman
D. W. Howard	Harmon S. Overby	Geo. W. Steinfeld
M. G. Howard	H. M. Pewitt	John M. Stumbo
Ira W. Hulette	J. H. Polsgrove	G. C. Thornton
Kerby Jennings	L. W. Preston	John C. Watts
Paul S. Jonas	E. F. Prichard	Lawrence Watts
L. H. Jones	Ottis Roberts	Lynn Boyd Wells
Ercel Kozee	F. L. Robinson	Rodney Whitlow
Harry K. Lowman	Lilburn S. Rogers	Charles W. Wirsch
W. E. McClure	Amos Runyan	—68

Those who voted in the negative were—

Labon P. Jackson	H. C. Patterson	—2
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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 53. An Act relating to Disability Compensation and Medical Benefits for Policemen and Firemen in Cities of the Third and Fourth Classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The legislative bodies of cities of the third and fourth classes may, in their discretion, pay unto any member of the

police or fire departments, in case he is disabled from an injury received while acting in his official capacity and in the line of duty to such an extent as he is unable to execute the duties of his official capacity or pursue a gainful occupation for which he is fitted by training or experience, monthly compensation benefits equal to said member's monthly earnings at the time of his injury, so long as his disability continues, but in no event shall the total amount paid as compensation benefits to any member exceed the sum of five thousand dollars.

2. The legislative bodies of cities of the third and fourth classes may, in their discretion, in addition to the compensation benefits provided for in Section 1, pay the member's medical and hospital expenses, but in no event shall the payments therefor exceed the sum of one thousand dollars.

3. This Act shall be construed to include any member that is disabled to the extent provided for in Section 1 at the time of its enactment due to an injury received under the circumstances provided for in Section 1 within a period of one year next prior to its passage, and all compensation, medical and hospital benefits and payments shall begin as of the effective date of this Act.

4. The testimony of competent medical authorities shall be the sole test as to whether any member is disabled to the extent provided for in Section 1.

5. This Act shall not be applicable in any city of the third or fourth class which has in operation, pursuant to statute, a pension system for policemen and firemen, under which disability benefits are payable.

6. Whereas, there is an urgent need to provide adequate disability benefits in order to secure competent personnel in city police and fire departments, an emergency is hereby declared to exist and this Act shall become effective upon its passage and approval by the Governor of Kentucky.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Richard R. Houpt	Ottis Roberts
Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	D. W. Howard	Amos Runyan
C. E. Baumgardner	M. G. Howard	Glenn Rushing
Fred Beshear	Ira W. Hulette	Dr. K. N. Salyer
Chas. J. Bronston	Kerby Jennings	D. B. Saylor
Chas. W. Burnley	J. Ernest Jones	James J. Shannon
Paul Carter	L. H. Jones	Paul E. Shannon
Earl W. Christian	Ercel Kozee	James S. Shaw
George I. Cline	W. E. McClure	Chas. L. Spillman
Robert Collins	E. H. Martin	Geo. W. Steinfeld
Everett T. Cooper	C. D. Moberly	John M. Stumbo
Perry M. Cross	Walter Moorman	G. C. Thornton
Horace T. Cull	E. C. Mullins	John C. Watts
Owen Deering	Thomas A. Noe, Jr.	Lawrence Watts
Henry C. Hale	H. M. Pewitt	Lynn Boyd Wells
N. M. Hamilton	J. H. Polsgrove	Rodney Whitlow
James P. Hanratty	L. W. Preston	Geo. F. Williamson
Dennis Henderson	E. F. Prichard	Charles W. Wirsch
Carson Hibbitts	Hobart Rayburn	—59

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 287. An Act providing that the Commonwealth of Kentucky may enter into compact with any of the United States for mutual helpfulness in relation to persons convicted of crime or offenses who may be on probation or parole.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Governor of this state is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Kentucky with any of the United States legally joining therein in the form substantially as follows:

A COMPACT

Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An Act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such

state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state: *Provided, however,* That if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the Governor of each state may designate an officer, who acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any

other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolless or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other state party hereto.

Section 2. If any section, sentence, subdivision or clause of this act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act.

Section 3. Whereas, an emergency exists for the immediate taking effect of this act, the same shall become effective immediately upon its passage.

Section 4. This act may be cited as the Uniform Act for Out-of-State Parolee Supervision.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	Perry M. Cross
Roy W. Arnold	Chas. J. Bronston	Horace T. Cull
Sidney Baer	Chas. W. Burnley	B. G. Davidson
Levi Baker	Paul Carter	Owen Deering
C. E. Baumgardner	Robert Collins	G. I. Drury

Henry C. Hale	W. E. McClure	Amos Runyan
James P. Hanratty	F. G. Marquette	Glenn Rushing
Dennis Henderson	E. H. Martin	Dr. K. N. Salyer
Carson Hibbitts	C. D. Moberly	D. B. Saylor
C. J. Holsclaw	Davis Moore	LeRoy Saylor
Richard R. Houpt	Walter Moorman	James J. Shannon
Clyde S. Howard	E. C. Mullins	Paul E. Shannon
D. W. Howard	Thomas A. Noe, Jr.	Chas. L. Spillman
M. G. Howard	Harmon S. Overby	John M. Stumbo
R. N. Hubbard	H. M. Pewitt	G. C. Thornton
Ira W. Hulette	J. H. Polsgrove	John C. Watts
Laban P. Jackson	L. W. Preston	Lawrence Watts
Kerby Jennings	E. F. Prichard	Lynn Boyd Wells
J. Ernest Jones	Hobart Rayburn	Rodney Whitlow
L. H. Jones	Ottis Roberts	Geo. F. Williamson
Ercel Kozee	F. L. Robinson	Charles W. Wirsch
Harry K. Lowman	Lilburn S. Rogers	—65

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills of the following titles, viz.:

H. B. No. 76. An Act changing the terms of the Circuit Court in the Twenty-Third Judicial District.

H. B. No. 84. An Act to amend Section 63.080 of the Kentucky Revised Statutes, relating to the power of the Governor to remove officers appointed by him.

H. B. No. 104. An Act imposing a penalty for defrauding a taxicab operator.

H. B. No. 148. An Act relating to pari-mutuel or similar systems of betting at running or trotting horse race tracks, and imposing an excise tax on persons, corporations and associations which operate tracks at which such systems are used, and amending and re-enacting Kentucky Revised Statutes, Section 137.190. This Act shall be known as the Cooper-Howard-Hilton Act.

H. B. No. 160. An Act relating to game and fish; amending KRS 150.445 and subsection (2) of KRS 150.450.

H. B. No. 234. An Act to repeal, amend and re-enact Section 183.390, Kentucky Revised Statutes, by giving authority to the city or county, or city and county, to establish, construct, maintain, manage, operate and control an airport.

H. B. No. 272. An Act relating to the methods, apparatus and standards to be used in grading wheat.

H. B. No. 353. An Act relating to Revenue and Taxation.

H. B. No. 400. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insurance written by fire, marine and fire and marine insurance companies on risks located in this state, including inland marine insurance.

H. B. No. 401. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insurance written by casualty insurance and surety companies on risks or operations in this State, including fidelity, surety and guaranty bonds and all other kinds, types or forms of motor vehicle insurance; to regulate rating organizations; to provide fees and to provide penalties for the violation of this Act.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 234. An Act relating to forest fire protection, forest fire detection, prevention and suppression.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. A new section of the Kentucky Revised Statutes is hereby created to be known as KRS 149.105 and it shall read as follows:

Section 149.105. "Timberland" as used in KRS 149.140 to 149.190 means any land which has enough timber or woody brush, standing or down, to constitute a fire menace to itself or adjoining lands, but does not include lands under cultivation or entirely in grass, nor land that is an isolated fire risk unless a forest fire on it would imperil the lands of an adjoining landowner.

Section II. Section 149.110 Kentucky Revised Statutes is hereby amended to read as follows:

(1) During the seasons of the year when there is danger of forest fires, every owner of timberland shall provide a suf-

ficient forest fire patrol, meeting with the approval of the Division of Forestry, or in lieu thereof, pay into the Division of Forestry, at such time as is specified by the Division, two cents per acre per year for each acre of timberland of which he is the owner, to help finance patrol by the Division of Forestry.

(2) Actual bona fide residence by the owner or lessor on twenty-five acres or less shall constitute adequate protection for the tract, but such residence shall not relieve the owner, his agents or employees from responsibility for the control and suppression of fires occurring on the tracts, nor entitle the owner to compensation from the Division of Forestry for the time spent by him, his agents or employees in controlling or suppressing any fire that threatens or occurs thereon.

(3) Subsection (2) shall not exempt any owner of timberland from assessment by the county under KRS 149.151 to 149.157.

(4) The degree of protection required on one tract of land shall not exceed that required on adjoining tracts in the same protective unit.

Section III. Section 149.120 Kentucky Revised Statutes is hereby amended to read as follows:

(1) If an owner of timberland, who has elected to provide a sufficient forest fire patrol, fails to properly patrol it, the Division of Forestry may have it patrolled and charge the cost of the patrol against the owner, but the aggregate amount so charged shall not exceed two cents per acre per year. All moneys collected from owners of forest lands, either by suit or voluntary payment, shall be paid into the State Treasury.

(2) Subsection (1) shall not apply to members contributing to fire protective associations of the state.

Section IV. Section 149.140 Kentucky Revised Statutes is hereby amended to read as follows:

County governing bodies may elect to cooperate with the Division of Forestry, for a minimum period of five years, in the county-wide control of forest fires, and shade in the

expense of establishment and operation of forest fire protection, forest fire detection, prevention and suppression. When forest fire control is established in any county under the terms of KRS 149.140 to 149.190, then KRS 149.110 and 149.120 shall not apply to timberland owners in that county.

Section V. A new section of the Kentucky Revised Statutes is hereby created to be known as KRS 149.151 and it shall read as follows:

Section 149.151. When a county governing body elects to cooperate with the Division of Forestry under the terms of KRS 149.140 its payments for the cost of forest fire protection, forest fire detection, prevention and suppression required by KRS 149.190, may be met out of the general fund of the county and in addition, the governing body may require each owner of timberland in the county to participate directly by paying into a special county forest fire protection fund an assessment which does not exceed two cents per year for each acre of timberland of which he is the owner.

Section VI. A new section of the Kentucky Revised Statutes is hereby created to be known as KRS 149.152 and it shall read as follows:

Section 149.152 (1) If the county governing body requires the owners to participate, it shall determine the amount of the assessment for each acre, and shall order the assessment to be paid into the county treasury by the owners of all timberland located in the county.

(2) It shall be the duty of each owner of timberland situated in the county to list or have listed such property with the county tax commissioner between July 1 and September 1 of each year.

(3) Timberland shall be listed by the owner of the first freehold estate therein, and it shall be listed without reference to conflicting title. The listing shall be made at the same time and in the same manner in which declarations of real property owned are made with the county tax commissioner for assessment purposes. If the owner fails to list the timberland, the county tax commissioner shall list it. The county

tax commissioner shall have the power to swear witnesses in order to ascertain the person in whose name to make the list.

(4) All persons in whose name the timberland acreage is properly listed shall remain bound for the assessment, notwithstanding they may have sold or parted with it.

Section VII. A new section of the Kentucky Revised Statutes is hereby created to be known as KRS 149.153 and it shall read as follows:

Section 149.153. The county tax commissioner shall include on the regular property tax roll an accurate record of the acreage of timberland listed in the name of each owner in the county.

Section VIII. A new section of the Kentucky Revised Statutes is hereby created to be known as KRS 149.154 and it shall read as follows:

Section 149.154. (1) When the property tax rolls are delivered to the county clerk by the county tax commissioner, as required by law, the county clerk shall compute the assessment due the county from each owner of timberland in accordance with the rate fixed by the county governing body and the amount of timberland acreage indicated on the property tax roll.

(2) The computation shall be made on the regular tax bills in such manner as may be directed by regulation of the Department of Revenue.

(3) The county clerk shall deliver these bills to the sheriff for collection as provided in KRS 133.220 (3).

Section IX. A new section of the Kentucky Revised Statutes is hereby created to be known as KRS 149.155 and it shall read as follows:

Section 149.155. (1) The sheriff shall collect the assessment at the same time and in the same manner in which he collects the state and county ad valorem tax. He shall issue a receipt to the taxpayer, report to the county court, and make his annual and final settlements with the fiscal court at the same time and in the same manner provided by law for his report and settlement of the annual county ad valorem tax.

(2) The assessment shall become due and payable on March 1 following the date the timberland acreage was listed by the county tax commissioner. Any owner who pays his assessment by November 1 after they become due in any year shall be entitled to a discount of two per cent thereon. All owners who have not paid the assessment by the last day of February of the next year shall be deemed delinquent and shall pay a penalty of six per cent on the amount of assessment due and unpaid. The sheriff shall collect the penalty and account for it in the same manner as he is required to collect and account for the regular county property tax.

Section X. A new section of the Kentucky Revised Statutes is hereby created to be known as KRS 149.156 and it shall read as follows:

Section 149.156. A separate fund shall be maintained by the county treasurer to be known as the County Forest Fire Protection Fund. The assessments collected from each timberland owner, together with penalties, and any voluntary contributions for forest fire protection shall constitute the fund and it shall be used only for making payments to the Division of Forestry in accordance with the terms of KRS 149.190.

Section XI. A new section of the Kentucky Revised Statutes is hereby created to be known as KRS 149.157 and it shall read as follows:

Section 149.157. (1) Any person aggrieved by a listing of any portion of his property as timberland by the county tax commissioner may file a protest with the county judge, provided the protest is in writing and is made within thirty days of receipt of notice of the listing. Protest may be made on the ground that the land or any portion so listed is not timberland, or that the timberland so listed will not be benefited by the forest fire protective system then in effect, or benefited by the proposed forest fire protective system if the assessment is being made for the first time in that county.

(2) The county judge shall hear all protests properly filed. Protests shall be heard within a reasonable time after the filing thereof, and reasonable notice shall be given to the

protestant and the Director of the Division of Forestry as to the time and place of the hearing. The county judge shall have authority to issue subpoenas to compel the attendance of any witness desired by any interested party, and he shall be authorized to administer the oath to any witness.

(3) Proceedings for hearing any protest shall be summary and the findings of the county judge shall be final, and an order shall be entered either dismissing the protest or directing the proper county officials to alter their records in accordance with the findings.

Section XII. Section 149.180 of the Kentucky Revised Statutes is hereby amended to read as follows:

Whenever possible, the Director of the Division of Forestry shall collect the costs of fire fighting done under the direction of the forest warden in accordance with the provisions of KRS 149.140 to 149.190 and approved as provided in KRS 149.160, from the person responsible for the origin of the fire by his negligence or intent, and shall return any costs so collected to the State Treasury for credit to the special fund provided for in KRS 149.190, and such amounts shall be repaid to the county in which the costs were incurred, but not exceeding the payments made by that county in the fiscal year in which such costs were accrued, and the funds so repaid to the county shall be placed in the County Forest Fire Protection Fund provided for in KRS 149.156. The Commonwealth's Attorney of the county in which the fire occurred shall institute and prosecute the necessary proceedings.

Section XIII. Section 149.190 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Each county that has elected to cooperate with the Division of Forestry shall, upon presentation to its governing body of an itemized statement duly certified by the Director of the Division of Forestry, repay into the Division of Forestry monthly, beginning on July 1 of each year, any amounts expended in the preceding month by the Division of Forestry in such county for forest fire protection, forest fire detection, prevention and suppression, not exceeding in any one year an amount measured by the acreage, computed upon

the basis of two cents an acre, of privately owned forests in the county, according to the United States Forest Reappraisal Study of 1945 subject to additions and deductions of acreage since the making of this study. In any additions or deductions of acreage from that given by this study, any land shall be considered as forestland if it conforms to the definition of "timberland" provided in KRS 149.105. The amounts so repaid by the counties into the Division of Forestry from time to time shall be paid into the State Treasury and shall be credited to a special fund for forest fire protection, forest fire detection, prevention and suppression, and, with such other funds as may be appropriated by the General Assembly, or contributed by the United States or any governmental or private agency for these purposes, shall be used and disbursed by the Division of Forestry for such purpose.

(2) When the county elects to cooperate with the Division of Forestry under the terms of KRS 149.140 it shall be liable to the Division of Forestry for the amount provided in subsection (1) of this statute, regardless of the amount collected by the assessment of each timberland owner in the county.

(3) In any case in which the Division of Forestry and the governing body of any county cannot agree upon the additions or deductions to privately owned forest acreage in a particular county, or to changes in forest acreage from year to year, the question shall be submitted to the judge of the circuit court of the county by a summary and informal proceeding, in term or vacation, and a decision of the judge, certified to the governing body and to the Division of Forestry respectively, shall be conclusive and final.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Burnam Adams	E. R. Hilton	Harmon S. Overby
Jason Alford	C. J. Holsclaw	H. C. Patterson
Sidney Baer	Richard R. Houpt	H. M. Pewitt
C. E. Baumgardner	R. N. Hubbard	J. H. Polsgrove
Fred Beshear	Ira W. Hulette	L. W. Preston
Chas. J. Bronston	Laban P. Jackson	Lilburn S. Rogers
Mrs. Mary Burnett	Kerby Jennings	Amos Runyan
Chas. W. Burnley	Paul S. Jonas	Glenn Rushing
Paul Carter	J. Ernest Jones	Dr. K. N. Salyer
George I. Cline	Ercel Kozee	D. B. Saylor
Robert Collins	Harry K. Lowman	James J. Shannon
Everett T. Cooper	W. E. McClure	Paul E. Shannon
Horace T. Cull	E. H. Martin	Chas. L. Spillman
Owen Deering	C. D. Moberly	John M. Stumbo
G. I. Drury	Archie R. Moore	G. C. Thornton
Kermit Dwyer	Davis Moore	John C. Watts
Henry C. Hale	Walter Moorman	Lawrence Watts
James P. Hanratty	E. C. Mullins	Rodney Whitlow
Dennis Henderson	Thomas A. Noe, Jr.	—56

There voted in the negative—

L. H. Jones —1

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 262. An Act relating to unemployment compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section KRS 341.050 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Covered Employment.—(1) As used in this chapter, unless the context clearly requires otherwise and subject to the other provisions of this section, “covered employment” means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied in which the relationship of the individual performing such service and the employing unit for which such services are rendered is, as to those services, the legal relationship of employer and employee.

(2) “Covered employment” includes a worker’s entire service performed within or both within and without this state if:

(a) The service is localized in this state; or

(b) The service is not localized in any state, but some of the service is performed in this state, and:

1. The base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or

2. The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the worker’s residence is in this state.

(3) Services not covered under subsections (1) or (2) of this section, and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the Federal Government, are covered employment if the worker performing them is a resident of this state and if the commission approves the election of the employing unit for which they are performed that the entire service of such worker shall be deemed to be covered employment.

(4) Service shall be deemed to be localized within a state if:

(a) The service is performed entirely within such state;
or

(b) The service is performed both within and without such state, but the service performed without such state is incidental to the worker's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(5) Unless the employing unit thereof has elected that such services become covered employment under the provisions of subsection (3) of KRS 341.250, "covered employment" does not include:

(a) Agricultural labor;

(b) Domestic service in a private home;

(c) Service performed in the employ of this state, or any political subdivision thereof or of any of its municipalities;

(d) Service performed in the employ of any other state or of any political subdivision thereof, or of the United States Government, and services performed in the employ of a corporation or agency created under an Act of Congress and engaged in the performance of a governmental function and the employees of which are compensated out of funds appropriated by Congress;

(e) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress. The commission shall enter into agreements with the proper agencies under such Act of Congress, which agreements shall become effective ten days after publication thereof in the manner provided in KRS 341.140 for general rules, to provide reciprocal treatment to workers who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this chapter;

(f) Service performed by a worker in the employ of his son, daughter, or spouse and service performed by a child under the age of twenty-one in the employ of his father or mother;

(g) Service performed in the employ of a corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation;

(h) Service performed as a student nurse in the employ of a hospital or a nurses' training school by a worker who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to the laws of this state; and service performed as an interne in the employ of a hospital by a worker who has completed a four years' course in a medical school chartered or approved pursuant to the laws of this state;

(i) Service performed by a worker for an employing unit as an insurance agent or an insurance solicitor, if all such service performed by such worker for such employing unit is performed for remuneration solely by way of commission;

(j) Service performed by a worker under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(k) Service performed by a full-time student who is regularly attending classes at a school, college or university.

Section 2. That section KRS 341.070 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Subject Employer.—As used in this Chapter, unless the context clearly requires otherwise, "subject employer" means:

(1) Any employing unit which, in each of three calendar quarters in the preceding calendar year, had in covered em-

ployment four or more workers (whether or not the same workers), to as many as four of whom at least fifty dollars in wages was payable to each with respect to such covered employment in each such quarter.

(2) Any employing unit which for some portion of a day (but not necessarily simultaneously) in each of twenty different weeks (whether or not such weeks are consecutive) within either the current or the preceding calendar year, has or had in covered employment eight or more workers (whether the same workers are or were employed in each such day).

(3) Any employing unit that succeeds to the organization, trade or business of another employing unit which at the time of such succession is a subject employer; and any employing unit which succeeds to the organization, trade, or business of any previously separate portion of another unit, which portion, if treated as a separate employing unit, would be, at the time of the succession, a subject employer under subsections (1) or (2) of this section.

(4) Any employing unit that succeeds to any of the assets of a subject employer's business by any means whatever, otherwise than in the ordinary course of trade, is a subject employer if the commission finds that:

(a) The transferee has continued or resumed the business of the transferor, either in the same establishment or elsewhere; and

(b) The transferee has employed substantially the same workers as those the transferor had employed in connection with the assets acquired; and

(c) The transferee has acquired a previously separate portion of the transferor's assets, which portion, if treated as a separate employing unit, would be, at the time of the succession, a subject employer under subsections (1) or (2) of this section.

(5) Any other employing unit which has elected to become subject to this chapter, pursuant to subsection (3) of KRS 341.250.

(6) Any employing unit which has in covered employment within this state workers subject to the Federal Unemployment Tax Act.

(7) Any employing unit which, having become a subject employer under subsections (1) to (6) of this section, has not ceased to be a subject employer under KRS 341.250.

Section 3. That section 341.090 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Base Period, Benefit Year and Base-Period Wages.—As used in this chapter, unless the context clearly requires otherwise:

(1) “Base period” means the first four of the last five completed calendar quarters immediately preceding the first day of a worker’s benefit year.

(2) “Benefit year.” “Benefit year” for any worker means the period of time beginning with the date as of which he first files a valid claim for benefits and ending one full year later, and thereafter, the period of time beginning with the date as of which he next files a valid claim for benefits after the termination of the last preceding benefit year and ending one full year later, except that any claim filed as of February 29 of any year shall be construed to have been filed as of February 28 of such year. As used in this subsection “valid claim” means any initial claim for benefits if the worker has satisfied the conditions required under subsection (5) of KRS 341.350.

(3) “Base-period wages” means the wages paid to a worker during his base period by subject employers for covered employment. The commission may, with respect to this subsection, consider wages paid to mean wages payable in order to prevent inequities in particular cases.

Section 4. That section 341.160 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Personnel.—Subject to KRS 341.130, and to other provisions of this chapter, the commission, with the approval of

the Commissioner of Economic Security, is authorized, subject to the provisions of KRS Chapters 12, 42 and 45, to appoint, fix the compensation and prescribe the duties and powers of such officers, accountants, attorneys, experts examiners, referees and other persons as may be necessary in the performance of its duties under this chapter. All positions shall be filled by persons selected and appointed on a non-partisan merit basis. The commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may, by written orders, delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this chapter.

Section 5. That section 341.250 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Employer's Coverage; Period; Termination; Election of Liability.—(1) Any employing unit that becomes subject to this chapter within any calendar year shall be considered a subject employer during the whole of that calendar year, except as specifically provided in subsections (3) and (4) of this section or elsewhere in this chapter.

(2) Except as provided in subsections (3) and (5) of this section, a subject employer shall cease to be a subject employer only as of the first day of January of any calendar year if he files with the commission, prior to the first day of March of that year, a written application for termination of coverage, and the commission finds that the covered employment performed for such subject employer within the preceding calendar year was not sufficient to render an employing unit a subject employer under subsections (1), (2), (3), (4) and (6) of KRS 341.070. The commission may, however, after notifying such employer in writing at his last known address, terminate the coverage of any subject employer as of the first day of January of any calendar year if it finds that such subject employer has had no individuals in covered employment in this state at any time during the three preceding calendar years, and the balance of such employer's reserve account may be immediately transferred to the pooled account.

(3) (a) Any employing unit not otherwise subject to this chapter that files with the commission its written election to become a subject employer for not less than two calendar years shall, with the written approval of such election by the commission, become subject hereto the same extent as all other subject employers, as of the date stated in such approval, but not with respect to the period previous to such date. Such subject employer shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if prior to March 1 of such year, it has filed with the commission a written notice to that effect.

(b) Any employing unit for which services that do not constitute covered employment are performed, may file with the commission a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be considered to constitute covered employment by a subject employer for all the purposes of this chapter for not less than two calendar years. Upon written approval of such election by the commission, such services shall be considered to constitute covered employment from and after the date stated in such approval, but not with respect to the period previous to such date. Such services shall cease to be considered covered employment subject hereto as of January 1 of a calendar year subsequent to such two calendar years, only if prior to March 1 of such year such employing unit has filed with the commission a written notice to that effect.

(4) An employing unit that becomes a subject employer under subsections (3) or (4) of KRS 341.070; shall become subject as of the date of acquisition.

(5) Notwithstanding the provisions of subsections (1), (2) and (3) of this section any subject employer whose entire reserve account has been transferred to a successor in interest as provided for in KRS 341.540 shall immediately cease to be a subject employer and shall thereafter become a subject employer only upon his future employment experience.

Section 6. That section 341.270 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Determination of Employer's Contribution Rate.—(1) Each subject employer's contribution rate shall be two and seven-tenths percent except as otherwise provided in this section.

(2) For the year 1942 and for each calendar year thereafter the rate applicable to each subject employer shall be two and seven-tenths percent unless contributions were payable to his account with respect to the three consecutive years immediately preceding the computation date, and no subject employer's rate shall be less than two and seven-tenths percent unless funds were available throughout the preceding year, from which benefits could have been payable from his account, to any worker in his employ who became unemployed and eligible.

(3) For the year 1948 and each calendar year thereafter each subject employer's rate shall, except as provided in KRS 341.560, be determined by the commission upon the basis of his actual experience in the payment of contributions paid and credited to his reserve account and with respect to benefits charged against that account. If, as of the computation date, the balance of that account equals or exceeds five times the largest amount of benefits charged against it within any one of the three years last preceding the computation date, his contribution rate shall be:

(a) One and eight-tenths percent if such balance equals or exceeds three and thirty-three one-hundredths percent but is less than four and eighteen one-hundredths percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date;

(b) Nine-tenths of one percent if such balance equals or exceeds four and eighteen one-hundredths percent but is less than five percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date;

(c) Zero if such balance equals or exceeds five percent of that part of the payroll or payrolls by which contributions

to that account were measured for the thirty-six months last preceding the computation date.

(4) The commission may by regulation prescribe the computation date for determining rates applicable to any calendar year. "Computation date" means the date, occurring at least once in each calendar year and within twenty-seven weeks prior to the effective date of new rates of contributions, as of which those rates are computed.

(5) "Balance" as used in this section and KRS 341.530 to 341.560 means the total of all contributions paid and credited to a reserve account plus the total of all benefits charged in accordance with subsection (2) of KRS 341.550, against the pooled account because of the exhaustion, as of a computation date, of such reserve account less the total of all benefits charged against that reserve account.

Section 7. Unemployment Compensation Contingent Fund.—There is hereby created in the State Treasury a special fund to be known as the Unemployment Compensation Contingent Fund to which shall be credited all fines, penalties, and interest on delinquent contributions collected under KRS 341.300. All amounts in this fund are hereby continuously appropriated, without regard to fiscal years, for the administration of KRS Chapter 341. The State Treasurer shall maintain a separate record of all money received for the Unemployment Compensation Contingent Fund under this section. This money shall not be expended or available for expenditure in any manner that would permit its substitution for, or a corresponding reduction in, Federal funds that would be available in its absence to finance expenditures for the administration of KRS Chapter 341, and immediately upon receipt of administrative grants from the appropriate agency of the Federal government to cover administrative cost for which the commission has authorized and made expenditures from this fund, such grants shall be transferred to this fund to the extent necessary to reimburse such fund for the amount of such expenditures. The commission, with the prior approval of the Commissioner of Economic Security, may, by order duly entered in its minutes, use the money in this fund to cover expenditures necessary for the administration of

KRS Chapter 341 for which Federal funds have been duly requested but not received or to supplement Federal funds which are, in the opinion of the commission, insufficient to properly administer KRS Chapter 341. The commission may also, by order duly entered in its minutes, authorize to be charged against such fund any expenditures it deems proper and desirable for the administration of KRS Chapter 341 and replace any money necessary under the provisions of KRS 341.610, if it states in such order that no other funds are available or can properly be used to finance such expenditures.

Section 8. That section 341.300 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Penalty on Unpaid Contributions; Collections.—(1) Contributions unpaid on the date on which they are due and payable, as prescribed by the commission, shall be subject to a penalty at the rate of one percent per month or fraction thereof from and after such date until payment is received by the commission. These penalties shall be paid into the Unemployment Compensation Contingent Fund.

(2) If, after due notice, any subject employer defaults in any payment of contributions or penalties thereon, the amount due shall be collected by civil action in the name of the state, and the subject employer adjudged in default shall pay the cost of the action. Civil actions brought under this section shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the Workmen's Compensation Law.

Section 9. That section 341.310 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Lien on Employer's Property for Contributions.—(1) A lien on a parity with state, county, and municipal ad valorem tax liens, and superior to the lien of any mortgage or other encumbrance heretofore or hereafter created is hereby created in favor of the commission upon all property of any

subject employer from whom contributions, interest or penalties are or may hereafter become due. This lien shall be for a sum equal to the amount at any time due from each subject employer to the commission on account of contributions, interest and penalties thereon. The lien shall commence from such time as the contributions, interest or penalties become due. No action to enforce the lien created herein shall be brought after the expiration of five years after the date of filing the notice of lien.

(2) The commission may file notice of this lien with the county court clerk of any county where the subject employer has property, giving the name of the subject employer, his address, and the amount of the lien. The clerk shall file same in the same maner as his pendens are filed. The files shall be designated "Miscellaneous State Tax Liens." The notice, when so filed, shall be conclusive notice to all persons of the lien on the property having legal situs in that county, except that nothing in this chapter shall be construed to alter or change in any way the law relative to the rights and duties of a holder in due course as provided in KRS Chapter 356, or affect the rights of any person taking the property or a lien thereon for value without actual or constructive notice. The clerk shall be entitled to a fee of \$1.25 for filing the lien, and said fee shall become a part of the lien as an added cost of the delinquent subject employer to be paid by him as a part of the amount necessary to release the lien, and in no event shall the Commonwealth or the commission be required to pay same.

(3) In addition and as an alternative to any other remedy, the commission may enforce the lien by petition in the name of this state to the circuit court of Franklin County, if the ministerial acts necessary to enforce the lien by the sale of the liened property or any part of it are performed by the appropriate officers of the circuit court of the county in which the property is situated under the direction of and reporting to the Franklin circuit court. The manner of enforcement shall be the same as that provided for the enforcement of other tax liens.

Section 10. That section 341.330 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Adjustment or Refund to Employing Unit.—Not later than five years after the date on which any contributions or penalties were paid, an employing unit which has paid such contributions or penalties may make application for an adjustment in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made. If the commission determines that such contributions or penalties or any portion thereof were erroneously collected, the commission shall allow the employing unit to make an adjustment thereof, without interest, in connection with subsequent contribution payments by it; or, if such adjustment cannot be made, the commission shall refund the amount, without interest, from the funds into which such contributions or penalties were paid. For like cause and within the same period adjustment or refund may be so made on the commission's own initiative.

Section 11. That section 341.350 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Conditions of Qualification for Benefits.—An unemployed worker shall, except as provided in KRS 341.360 and 341.370, be eligible for benefits with respect to any week of unemployment only if it has been found by the commission that:

- (1) He has made a claim for benefits;
- (2) He has registered for work with respect to such week in accordance with regulations prescribed by the commission;
- (3) He is physically and mentally able to work;
- (4) He is available for suitable work;
- (5) His base-period wages are not less than three hundred dollars; and
- (6) He has served a waiting period of one week of unemployment within his benefit year. No week of unemploy-

ment shall be counted as a waiting period unless the worker has satisfied the conditions of subsections (1), (2), (3), (4) and (5) of this section.

Section 12. That section 341.370 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Conditions of Benefit Disqualification.—(1) A worker shall be disqualified from receiving benefits or serving a waiting period for not less than one nor more than sixteen weeks immediately following the commission of any of the following disqualifying acts, if, according to the circumstances in each case, the commission finds that:

(a) Subsequent to his most recent work, he has failed without good cause either to apply for available, suitable work when so directed by the employment office or the commission, or to accept suitable work when offered him, or to return to his customary self-employment when so directed by the commission;

(b) He has left his most recent suitable work voluntarily without good cause; or

(c) He has been discharged for misconduct connected with his most recent work, but legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct.

(2) A worker shall be disqualified from receiving benefits or serving a waiting period for the duration of any period of unemployment with respect to which the commission finds that:

(a) He was discharged for dishonesty in connection with his most recent work;

(b) He voluntarily quit his most recent work to marry, or for the purpose of attending school, or to become self-employed.

(3) A worker shall be disqualified from receiving benefits for any week with respect to which the commission finds that he knowingly made a false statement to establish his

right to or the amount of his benefits, and for such additional weeks during his benefit year as the commission may determine according to the circumstances in each case.

(4) No worker shall be disqualified under paragraph (b) or (c) of subsection (1) or subsection (2) of this section unless the employer, within a reasonable time as prescribed by commission regulation, notifies the commission and the worker in writing of the alleged voluntary quitting or the discharge for misconduct.

(5) As used in this section, "most recent" work shall be construed as that work which occurred after the first day of the worker's base period and which last preceded the week of unemployment with respect to which benefits are claimed; except that, if the commission finds that the work last preceding such week of unemployment was intermittent or temporary in nature, most recent work may be construed as that work last preceding such intermittent or temporary work.

Section 13. That section 341.380 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Payments of Benets; Amount.—(A) All benefits shall be paid through employment offices, or such other agencies designated by regulation of the commission. Claims for all payments of benefits shall be made in accordance with regulations of the commission.

(2) Benefits payable to an eligible worker, whose benefit year begins on or after April 1, 1948, for weeks of unemployment shall, except as provided in KRS 341.390, be at the benefit rate in Column "C" of Table "A" which appears on the same line with the "Base-Period Wages" of the worker as shown in Column "B" of the same table.

(3) The maximum amount of benefits payable to any worker within any benefit year shall be the amount in Column "D" of Table "A" which appears on the same line with the "Base-Period Wages" of such worker as shown in Column "B" of the same table.

TABLE A

Wages Class (A)	Base-Period Wages (B)	Benefit Rate (C)	Maximum Amount (D)
0	Less than—\$ 300.00	\$ 0.00	\$ 0.00
1	\$ 300.00— 349.99	7.00	154.00
2	350.00— 399.99	8.00	176.00
3	400.00— 479.99	9.00	198.00
4	480.00— 554.99	10.00	220.00
5	555.00— 654.99	11.00	242.00
6	655.00— 754.99	12.00	264.00
7	755.00— 854.99	13.00	286.00
8	855.00— 979.99	14.00	308.00
9	980.00— 1,104.99	15.00	330.00
10	1,105.00— 1,229.99	16.00	352.00
11	1,230.00— 1,379.99	17.00	374.00
12	1,380.00— 1,554.99	18.00	396.00
13	1,555.00— 1,754.99	19.00	418.00
14	1,755.00 or over	20.00	440.00

Section 14. That section 341.390 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Deductions from Benefits.—There shall be deducted from the benefit rate determined for a worker in accordance with subsection (2) of KRS 341.380:

(1) Eighty percent, adjusted to the nearest multiple of one dollar, of the amount of wages earned by such worker during the week of unemployment with respect to which he claims benefits; and

(2) The amount of remuneration which the worker has received or is receiving with respect to such week of unemployment (adjusted to the nearest multiple of one dollar) in the form of remuneration in lieu of notice.

Section 15. That section 341.410 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Determination of Claim; Notification of Interested Parties.—The commission acting through its duly authorized

representatives shall determine the validity of each claim and, if benefits are allowed, shall notify all interested parties. If benefits are denied the commission shall notify the claimant. The commission may, at any time within a claimant's benefit year, make such further determinations as may affect the claimant's eligibility for benefits or may set aside, reconsider, modify, or amend a determination at any time on the basis of additional information or to correct a clerical mistake. The commission may be regulation prescribe what constitutes a determination as used in this section and in subsections (2) and (3) of KRS 341.420.

Section 16. That section 341.420 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Appointment of Referees; Appeals to.—(1) The commission shall appoint one or more impartial referees according to KRS 341.160 to hear and decide appealed claims.

(2) A party to a determination may file an appeal to a referee as to any matter therein within ten days after the date such determination was mailed to his last known address.

(3) If benefits are allowed by a determination but the record of the case indicates that a disqualification under KRS 341.360 or 341.370 has been alleged, or may exist, benefits shall not be paid prior to the expiration of the period for appeal as provided in paragraph (2) of this section. No benefits may be paid during any time that an appeal is pending or prior to the expiration of the period for appeal, except that, if a referee affrms a determination allowing benefits, they shall be paid until or unless the decision of the referee is reversed by the commission. If benefits are paid pursuant to a decision of the referee that is finally reversed in any subsequent proceedings with respect thereto, no employer's account shall be charged with benefits so paid but such benefits shall be charged against the pooled account.

(4) Unless such appeal is withdrawn, a referee, after affording the parties reasonable opportunity for a fair hearing, shall affirm or modify the determination. The parties shall be duly notified of his decision, together with the reasons

therefor, which shall be deemed to be the final decision of the commission, unless within ten days after the date of mailing of such decision, further appeal is initiated under KRS 341.430.

Section 17. That section 341.450 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Judicial Review.—(1) Except as provided in KRS 341.460, within twenty days after the decision of the commission, any party aggrieved thereby may, after exhausting his remedies before the commission, secure judicial review thereof by filing a petition for review against the commission in the circuit court of the county in which the claimant was last employed by a subject employer whose reserve account is affected by such claims. Any other party to the proceeding before the commission shall be made a defendant in such action. The petition shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the petitioner. The petitioner shall furnish copies thereof for each defendant to the commission, which shall deliver one copy to each defendant.

(2) Summons shall issue upon the petition directing the commission to file answer within fifteen days after service thereof. Such summons shall be served upon a member of the commission, or upon such person as the commission designates, and such service shall be deemed complete service upon all members of the commission. The commission may be represented by any qualified attorney designated by the commission for that purpose or, at the request of the commission, by the Attorney-General. With its answer, the commission shall certify and file with the court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with its findings of fact and decision therein. If consented to by the petitioner and the adverse party, an abstract of any portion of the record may be certified by the commission in lieu of certifying such portion of the record in full. The commission may certify to the court questions of law involved in any decision by it.

(3) Such actions, and the questions so certified, shall be heard by the court in a summary manner upon the record certified by the commission. The court shall enter judgment affirming, modifying, or setting aside the order and the decision appealed from, or determining the question of law certified to it by the commission, and may in advance of judgment, remand the case to the commission for further proceedings in accordance with the direction of the court.

(4) An appeal may be taken from the decision of the circuit court to the Court of Appeals, in the same manner, but not inconsistent with the provisions of this chapter, as is provided in equity cases.

(5) It shall not be necessary, in any judicial proceeding under this section or KRS 341.460 to have entered exceptions to the rulings of the commission, and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the commission shall enter an order in accordance with such determination. A petition for judicial review shall not act as a supersedeas or stay unless the commission shall so order.

Section 18. That section 341.460 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Appeal to Franklin Circuit Court. (1) In all cases of appeals arising under subsection (1) of KRS 341.360 court review may be had as provided in KRS 341.450 except that review shall be had to the Franklin Circuit Court.

(2) A claimant who has been denied benefits under subsection (1) of KRS 341.360 may appeal for himself and for and on behalf of all other claimants similarly situated within that establishment or other establishments whose claims were denied by reason of the same alleged labor dispute or strike. An employer may appeal to the Franklin Circuit Court from the decision of the commission allowing benefits under subsection (1) of KRS 341.360 and all the workers in his establishment may be joined in such appeal.

Section 19. That section 341.490 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Unemployment Insurance Fund, Establishment and Control.—(1) There shall be a special fund known as the Unemployment Insurance Fund which shall be administered separate and apart from all public money or funds of this state. This fund shall consist of:

(a) All contributions and money collected under this chapter, except those imposed under KRS 341.290 and fines, penalties, and interest on delinquent contributions collected under KRS 341.300;

(b) Interest earned upon any money in the fund;

(c) Any property or securities acquired through the use of money belonging to the fund; and

(d) All earnings of such property or securities.

(2) Subject to this chapter, the commission may have full power, authority and jurisdiction over the fund, including all money and property or securities belonging thereto, and may perform any act necessary or convenient in the administration thereof consistent with this chapter.

Section 20. Investment of Funds.—Such money in the Unemployment Compensation Administration Fund, collected under KRS 341.290, and the Unemployment Compensation Contingent Fund, as the commission, with the approval of the Commissioner of Economic Security, may prescribe and direct shall be invested by the State Treasurer in bonds and other interest bearing obligations of the United States of America. Such investments shall at all times be so made that all the assets of the funds shall always be readily convertible into cash when needed for the administration of this chapter. The State Treasury shall dispose of securities or other property belonging to such funds only under the direction of the commission, with the prior approval of the Commissioner of Economic Security.

Section 21. That section 341.530 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Employer Reserve Accounts.—(1) The commission shall maintain within the fund a separate reserve account for each subject employer, and shall, except as provided in KRS 341.560, credit to such account the total amount of all contributions paid by the employer on his own behalf. The liability of each such account shall be limited to the payment of benefits to eligible workers.

(2) Except as provided in subsection (3) of this section the benefits paid to an eligible worker for a week of unemployment shall be charged proportionately against the accounts of those of his subject employers from whom he has base-period wages. The proportion so used shall be that ratio which is obtained by dividing the base-period wages of a worker from such employer by the total base-period wages of such worker, adjusted to the nearest multiple of one percent. For the purpose of this subsection a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) Notwithstanding the provisions of subsection (2) of this section, benefits paid to an eligible worker and chargeable to an employer's reserve account under such subsection shall be charged against the pooled account if the commission finds that such worker was discharged by such employer for misconduct connected with his most recent work for such employer, or voluntarily left his most recent work with such employer without good cause attributable to the employment, and the employer within a reasonable time, as prescribed by commission regulation, notifies the commission, in writing, of the alleged voluntary quitting or discharge for misconduct. This subsection shall be inoperative after March 31, 1950, unless extended by legislative action.

(4) Each subject employer's reserve account shall, unless terminated or exhausted as to the computation date (as defined in subsection (5) of KRS 341.270) be charged with all benefits paid to the eligible workers which are chargeable

to such reserve account under subsection (2) of this section. A subject employer's reserve account shall be deemed to be terminated if he has ceased to be subject to this chapter and his account has been closed and any balance remaining therein has been credited to the fund's pooled account or to a successor's account as provided in KRS 341.540.

(5) Any subject employer may at any time make voluntary payments, additional to the contributions required under KRS 341.260 and 341.270 to his reserve account, according to the general rules established by the commission.

Section 22. That section 341.550 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

Pooled Account.—(1) The commission shall maintain within the fund a pooled account, mingled and undivided, to which shall be credited:

- (a) All worker contributions;
- (b) The emergency amounts diverted from the subject employers' contributions as provided in KRS 341.560;
- (c) All realized earnings and gains on investments of the fund;
- (d) Except as provided in KRS 341.540, any balance remaining in the reserve account of any previously subject employer after such employer has ceased to be subject to this chapter;
- (e) Any payments into or amounts in the fund not allocable to any employer's reserve account; and
- (f) Any payments collected under subsection (3) of this section.

(2) Except as provided in KRS 341.420 and subsection (3) of this section, benefits shall be charged against the pooled amount of benefits then due and chargeable against such reserve account does not, as of the computation date (as defined in subsection (5) of KRS 341.270), equal the maximum amount of benefits then due and chargeable against such

account as provided in this chapter. To the extent that money in the pooled account is sufficient therefor, the commission shall pay any benefits otherwise due but not payable because of the complete exhaustion as of such computation date of the subject employer's reserve account.

(3) Any benefits paid through error shall be charged against the pooled account. The repayment of benefits paid erroneously as provided in subsection (8) of KRS 341.990 shall be credited to the pooled account. The pooled account shall be credited with any sums deducted from future benefits as provided in subsection (8) of KRS 341.990.

Section 23. That section 341.570 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted it shall read as follows:

Representation in Court; expenses of Suit.—(1) In any civil action to enforce the provisions of this chapter or in which the commission is an interested party, the commission and this state may be represented by any qualified attorney who is designated by the Executive Director and approved by the Governor for that purpose. The expenses and compensation of such special attorney and any experts employed in connection with such proceedings shall be considered a proper cost of the administration of this chapter.

(2) All criminal actions for violation of any provisions of this chapter, or of any rules or regulations issued under it, shall be prosecuted by the Attorney-General of this state, or, at his request and under his direction, by the county attorney of any county in which the employing unit has a place of business or the violator resides:

Section 24. That section 341.660 of the Kentucky Revised Statutes is amended to read as follows:

Pledge of Funds Accumulating Under KRS 341.290, and Rents; Use of Surplus.—(1) All funds which accumulate under KRS 341.290 from and after July 1, 1946, are hereby set aside and pledged as a separate and special fund to be used and applied in the payment of interest on and principal of the bonds provided for in KRS 341.630 and KRS 341.640.

In addition thereto, upon the occupancy by the commission of any building constructed with the proceeds of the bonds herein referred to, the commission shall, by resolution, set aside and pledge in a separate account in the Unemployment Compensation Administration fund all monies received thenceforth from any agencies of the Federal Government which are designated to be paid as rental for the occupancy of such building. Such resolution shall also pledge that the commission will properly maintain and operate said building and carry sufficient insurance thereon to secure the payment of said bonds in the event said building should be damaged or destroyed. Provided, however, that all or any portion of the separate and special fund until encumbered by the issuance of the bonds provided for in KRS 341.630 and KRS 341.640 or any portion of such fund which may be released by any means whatsoever from any encumbrance heretofore made may, by order of the commission, be used or pledged for the purpose of carrying out the provisions of KRS 341.630 or may be used for administrative purposes.

(2) After such bonds are issued, in the event any surplus shall be accumulated in said special fund in excess of the amount of interest and principal payments coming due in the next calendar year, any such surplus shall be used to pay off and retire outstanding bonds.

Section 25. That paragraph (b) of the item headed Department of Industrial Relations of Part Two of House Bill No. 5 of the 1948 General Assembly is repealed.

Section 26. Unless otherwise specified the provisions of this Act shall become effective on April 1, 1948, and none of the provisions herein shall change or effect any determinations made by the commission prior to that date or determinations which will become effective prior to that date.

Section 27. Declaration of an Emergency.—Whereas, the effective administration of KRS Chapter 341 requires that the foregoing changes be made effective as near as possible to the beginning of the calendar year, an emergency is hereby declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Burnam Adams	E. R. Hilton	Ottis Roberts
Jason Alford	C. J. Holsclaw	F. L. Robinson
Sidney Baer	Richard R. Houpt	Lilburn S. Rogers
Levi Baker	M. G. Howard	Amos Runyan
C. E. Baumgardner	R. N. Hubbard	Dr. K. N. Salyer
Fred Beshear	Ira W. Hulette	LeRoy Saylor
Chas. J. Bronston	Kerby Jennings	James J. Shannon
Mrs. Mary Burnett	Paul S. Jonas	Paul E. Shannon
Chas. W. Burnley	J. Ernest Jones	James S. Shaw
A. H. Calvert	L. H. Jones	Chas. L. Spillman
George I. Cline	Ercel Kozee	Geo. W. Steinfeld
Robert Collins	Harry K. Lowman	John M. Stumbo
Everett T. Cooper	W. E. McClure	G. C. Thornton
Horace T. Cull	E. H. Martin	W. R. Tipton
B. G. Davidson	Davis Moore	John C. Watts
G. I. Drury	Walter Moorman	Lawrence Watts
Kermit Dwyer	E. C. Mullins	Morris Weintraub
Henry C. Hale	Thomas A. Noe, Jr.	Lynn Boyd Wells
N. M. Hamilton	H. M. Pewitt	Rodney Whitlow
James P. Hanratty	L. W. Preston	Geo. F. Williamson
Carson Hibbitts	E. F. Prichard	

—62

There voted in the negative—

H. C. Patterson

—1

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz.:

H. B. No. 171. An Act amending Section 402.080 of the Kentucky Revised Statutes, relating to marriage licenses.

With an amendment thereto as proposed and adopted by the Senate.

And an amendment to the title of said bill as proposed and adopted by the Senate.

(For bill see H. J. of February 27, 1948, ante.)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz.:

Amend H. B. No. 171 in the Senate, on page 2, after line No. 10, by adding Section No. 3 thereto, which Section shall read as follows:

“Section 3. This Act shall become effective on January 1, 1950.”

Said amendment to the title of said bill as proposed and adopted by the Senate is as follows, viz.:

Amend title to H. B. No. 171. “It shall be known and cited as the Mary E. Burnett Act.”

Said amendment to said bill was then concurred in.

Said bill was then rejected as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Sidney Baer	Mrs. Mary Burnett
Jason Alford	C. E. Baumgardner	Earl W. Christian
Roy W. Arnold	Chas. J. Bronston	George I. Cline

Perry M. Cross	Harry K. Lowman	Dr. K. N. Salyer
Horace T. Cull	F. G. Marquette	James J. Shannon
N. M. Hamilton	E. H. Martin	G. C. Thornton
Carson Hibbitts	Archie R. Moore	W. R. Tipton
E. R. Hilton	Walter Moorman	J. B. Veech
C. J. Holsclaw	E. C. Mullins	John C. Watts
Richard R. Houpt	Stanley Murphy	Rodney Whitlow
R. N. Hubbard	H. C. Patterson	Geo. F. Williamson
Laban P. Jackson	E. F. Prichard	Mr. Speaker
Kerby Jennings	Amos Runyan	—38

Those who voted in the negative were—

Levi Baker	Henry C. Hale	Ottis Roberts
Fred Beshear	James P. Hanratty	Glenn Rushing
Isaac M. Blevins	M. G. Howard	D. B. Saylor
Chas. W. Burnley	Ira W. Hulette	Paul E. Shannon
A. H. Calvert	L. H. Jones	James S. Shaw
Paul Carter	W. E. McClure	Chas. L. Spillman
Robert Collins	C. D. Moberly	Geo. W. Steinfeld
Everett T. Cooper	Davis Moore	John M. Stumbo
B. G. Davidson	H. M. Pewitt	Lawrence Watts
Owen Deering	J. H. Polsgrove	Lynn Boyd Wells
G. I. Drury	L. W. Preston	
Kermit Dwyer	Hobart Rayburn	—34

And so said bill was rejected.

Mr. Burnley moved that the vote by which said bill was rejected as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 141. An Act providing for the operation of canteens at State Welfare Institutions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established and maintained at each of the institutions operated by the Department of Welfare a canteen which shall be incorporated and self-supporting. The Directors of each canteen shall be as follows: the Commissioner of the Department of Welfare, the Director of the Division of Staff Services, the Director of the division under which the institution is operated, and the Superintendent and the Business Manager of the respective institutions where the canteens are located. All profits from each canteen shall be used exclusively for the benefit of the patients or inmates of the institution where operated.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Kermit Dwyer	W. E. McClure
Jason Alford	James P. Hanratty	F. G. Marquette
Roy W. Arnold	Carson Hibbits	E. H. Martin
Levi Baker	E. R. Hilton	C. D. Moberly
C. E. Baumgardner	C. J. Holsclaw	Archie R. Moore
Fred Beshear	Richard R. Houpt	Davis Moore
Isaac M. Blevins	Clyde S. Howard	Walter Moorman
Chas. W. Burnley	D. W. Howard	E. C. Mullins
A. H. Calvert	M. G. Howard	Stanley Murphy
Earl W. Christian	R. N. Hubbard	Thomas A. Noe, Jr.
George I. Cline	Ira W. Hulette	H. M. Pewitt
Robert Collins	Laban P. Jackson	J. H. Polsgrove
Everett T. Cooper	Kerby Jennings	L. W. Preston
Horace T. Cull	J. Ernest Jones	E. F. Prichard
B. G. Davidson	L. H. Jones	Ottis Roberts
Owen Deering	Ercel Kozee	F. L. Robinson

Lilburn S. Rogers	James J. Shannon	John C. Watts
Amos Runyan	Paul E. Shannon	Lawrence Watts
Glenn Rushing	John M. Stumbo	Lynn Boyd Wells
Dr. K. N. Salyer	G. C. Thornton	Rodney Whitlow
D. B. Saylor	W. R. Tipton	Geo. F. Williamson
LeRoy Saylor	J. B. Veech	—65

There voted in the negative—

James S. Shaw

—1

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills and a resolution which originated in the House of the following titles, viz.:

H. B. No. 386. An Act relating to zoning and planning in cities of the first class and in counties containing such a city, with particular relation to nonconforming uses.

H. B. No. 325. An Act relating to school districts, with particular reference to the transfer of territory within a city of any class or territory which may become incorporated in such a city, to a district embracing a greater part of the city.

H. B. No. 253. An Act relating to the tax on premiums received by insurance carriers for workmen's compensation insurance; amending KRS 342.445 and 342.450.

H. B. No. 377. An Act concerning armories.

H. B. No. 441. An Act relating to the payment of premiums on sheriffs' bonds.

H. Res. No. 58. A Joint Resolution authorizing the payment of attorneys' fees authorized by the Division of Game and Fish.

Ordered that said bills and said resolution be delivered to the Enrolling Clerk of this House.

At the instances of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 135. An Act making provisions for the certification of clinical psychologists, through a State Board of Examiners of Psychologists.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definition of the Practice of Clinical Psychology.

The practice of clinical psychology is defined as follows: A person practices clinical psychology within the meaning of this Act who (a) renders to individual clients for fees or personal profit, any professional service requiring the application of recognized principles, methods, and procedures of the science and profession of clinical psychology, such as the administration and interpretation of standardized tests of mental abilities and personality characteristics, for the purpose of psychological diagnosis, classification or evaluation; or (b) for fees or personal profit, applies such psychological techniques for purposes of reeducation, guidance or readjustment. Nothing in this definition shall be construed as permitting the administration or prescribing of drugs or in any way infringing upon the practice of medicine as defined in the laws of this state.

Section 2. Board of Examiners.

On or before July 1, 1948, the Governor shall appoint from a list of ten submitted to him by the Kentucky Psycho-

logical Association five psychologists holding the degree of Doctor of Philosophy or its equivalent in psychology from an accredited educational institution and eligible for licensing under the provisions of this Act to be members of the board of examiners of psychologists, one to hold office for one year, one for two years, one for three years, one for four years, and one for five years from said July first. Annually thereafter he shall appoint from a list of three names submitted to him by the Kentucky Psychological Association for a term of five years, and until his successor is appointed and qualified, a psychologist, certified according to the provisions of this Act, to replace the member whose term expires. Each member, including the members first appointed, shall be an elector of this state and shall have engaged in the practice or teaching of clinical psychology for at least three years in this state or elsewhere in the United States. Annually the board shall elect one of its members as chairman. The Governor shall fill any vacancy occurring in the board with a certified clinical psychologist from a list of three submitted by the Kentucky Psychological Association for the unexpired portion of the term. Upon recommendation by a majority of the board members, and after notice and a hearing by them, the Governor shall remove any member for incompetence, neglect of duty or malfeasance in office. Three members of the board shall be a quorum. Each member shall receive his necessary expenses incurred in the performance of the duties required by this Act. The board may employ necessary personnel for the performance of its functions, determine the classifications and functions of such personnel, and fix the compensation thereof, within the limits of funds available to the board.

Section 3. Report; Office; Regulations.

On June 30 of each year the board shall submit to the Governor a written report. Such report shall include the names of all psychologists to whom certificates have been granted as provided in sections 5 and 6 of this Act, any cases heard and decisions rendered in relation to the doings of said board of examiners, and the recommendations of the board as to future policies. Each member of the board shall review

and sign such report before its submission to the Governor. The principal office of the board shall be in Frankfort, but it may meet or conduct any of its business at any place in this state. The board may empower any member to conduct any proceeding, hearing, or investigation necessary to its purposes.

Section 4. Rating of Educational Institutions.

For the purpose of determining the qualifications of applicants for certificates under sections 5 and 6 of this Act, the board of examiners shall rate as to acceptability, educational institutions which grant the degree of Doctor of Philosophy or its equivalent in psychology, or the board may accept the ratings issued by accrediting bodies approved by it.

Section 5. Certification.

Before granting a certificate as Certified Clinical Psychologist, the board may require any applicant therefor to pass a written examination in psychology to be given at such time and place and under such supervision as the board prescribes. Such applicant shall pay a fee of twenty-five dollars and shall satisfy the board that he (a) is at least twenty-one years of age; (b) is of good moral character; (c) is a citizen of the United States or has legally declared his intention of becoming one; (d) has received a degree of Doctor of Philosophy or its equivalent in psychology from an educational institution rated as acceptable as provided in section 4; (e) has had at least one year's experience of a type satisfactory to the board in the practice of clinical psychology; and (f) has not within the preceding six months failed any examination given by the board. The board shall grade the examinations returned by the candidates and shall keep them for at least one year. Any unsuccessful candidate may, upon written request to the board, see his graded paper.

Section 6. Certification Under Special Conditions.

The board may waive either an examination or the requirements of subsection (d) of section 5 if it deems such action to be in the public interest with respect to any person who applies within two years from July 1, 1948, who meets

the requirements of subsections (a), (b), and (c) of section 5, who is qualified by experience to practice clinical psychology and who has received a Master's Degree or its equivalent in psychology from any educational institution rated as acceptable as provided in section 4 and has been engaged in such practice at least three years at the time of the effective date of this Act. The board may grant a certificate without examination to any person who at the time of application is licensed or certified by a similar board of another state whose standards, in the opinion of the board, are not lower than those required by this Act. A fee of twenty-five dollars shall be paid for each certificate issued under this section.

Section 7. Renewal Fees.

By June 1 of each year, every certificate holder shall pay to the board of examiners a renewal fee of three dollars, and shall receive a renewal certificate. Any certificate shall be canceled if the holder fails to secure the renewal certificate within three months after the renewal date, but any certificate so canceled may be restored by the board upon payment of a fee of ten dollars within one year after cancellation.

Section 8. Suspension or Revocation of Certificate.

The board may suspend any such certificate for a definite period not to exceed one year, or may revoke the same, or may refuse to issue or renew a certificate, if the person has been convicted of a felony, has been found by the board to have employed fraud or deceit in obtaining the certificate, is guilty of habitual drunkenness or habitual addiction to the use of habit forming drugs, or has acted negligently or wrongfully in the conduct of his profession. After three years from the date of a revocation, an application for reinstatement may be made to the board, and it may, upon favorable action by the majority of its members, grant such reinstatement.

Section 9. Hearing on Refusal, Revocation, Suspension of License.

(1) The board may not suspend or revoke or refuse to issue or to renew any certificate for any cause listed in section 8, unless the person accused has been given at least

twenty days' notice in writing of the charge against him and a public hearing by the board. The written notice shall be mailed to the person's last known address, but the non-appearance of the person shall not prevent such a hearing.

(2) Upon such a hearing the board may administer oath and procure by its subpoenas the attendance of witnesses and the production of relevant books and papers.

Section 10. Appeal From the Board's Ruling on Certificates.

Any person whose certificate has been revoked or suspended by the board may appeal to the Franklin Circuit Court for a trial de novo by filing with the clerk a certified copy of the charge heard by the board and his petition requesting a trial. The board shall make certified copies of any charges upon demand of the applicant. When a copy of the charge is lodged with the clerk of the Franklin Circuit Court and the required deposit of court cost is paid within ten days after the board's findings, the appeal shall be considered perfected and shall be docketed and stand for trial. No such appeal shall operate as a supersedeas to such revocation or suspension.

Section 11. Privileged Communications.

For the purpose of this chapter, the confidential relations and communications between certified clinical psychologist and client are placed upon the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communication to be disclosed.

Section 12. Use of Title.

No person shall use the title "Certified Clinical Psychologist" in this state without a certificate granted by said board of examiners and signed by each member thereof. No person not certified as provided in this Act shall designate himself or his occupation by the words "certified clinical psychologist", or by any other term which implies that he is a clinical psychologist, nor shall any such person engage in any practice, for remuneration, that would convey to any person or

persons the idea that he is a clinical psychologist and licensed to operate as such.

Section 13. Penalties.

Any person who violates any of the provisions of section 12 of this Act shall be fined not less than \$100.00 nor more than \$500.00.

Section 14. Revolving Fund to be Established.

All fees received by the board of examiners under this Act shall be placed in the State Treasury to the credit of a revolving fund for the use of the board in carrying out its functions.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	G. I. Drury	W. E. McClure
Jason Alford	Kermit Dwyer	F. G. Marquette
Roy W. Arnold	Henry C. Hale	E. H. Martin
Sidney Baer	N. M. Hamiilton	Archie R. Moore
Levi Baker	James P. Hanratty	Walter Moorman
C. E. Baumgardner	Carson Hibbitts	E. C. Mullins
Fred Beshear	E. R. Hilton	Stanley Murphy
Chas. W. Burnley	Richard R. Houpt	Thomas A. Noe, Jr.
A. H. Calvert	Clyde S. Howard	H. C. Patterson
Paul Carter	D. W. Howard	H. M. Pewitt
Earl W. Christian	M. G. Howard	J. H. Polsgrove
George I. Cline	R. N. Hubbard	E. F. Prichard
Robert Collins	Ira W. Hulette	Ottis Roberts
Perry M. Cross	Laban P. Jackson	F. L. Robinson
Horace T. Cull	Paul S. Jonas	Lilburn S. Rogers
B. G. Davidson	L. H. Jones	Amos Runyan
Owen Deering	Ercel Kozee	Glenn Rushing

Dr. K. N. Salyer	Chas. L. Spillman	Lawrence Watts
LeRoy Saylor	John M. Stumbo	Lynn Boyd Wells
James J. Shannon	G. C. Thornton	Rodney Whitlow
Paul E. Shannon	W. R. Tipton	Geo. F. Williamson
James S. Shaw	John C. Watts	—65

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 54. An Act amending and re-enacting Sections 116.180 and 116.190 of the Kentucky Revised Statutes, relating to the number of voters in election precincts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 116.180 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

Each county shall be divided into election precincts. The county court shall make the division, and shall establish the name or number and the boundaries of the precincts. Each precinct shall contain, as nearly as practicable, an equal number of voters, based on the number of votes cast at the last election for presidential electors. In case more than three hundred and fifty votes were cast in a particular precinct at the last presidential election, then the county court may, in its discretion, if it is by the court deemed advisable for the best interests of the public generally, redistrict the precincts as equally as possible, but no precinct shall contain more than five hundred and fifty votes.

This section is not intended to affect Section 125.180 of the Kentucky Revised Statutes, relating to precincts wherein voting machines are used or may be used.

2. Section 116.190 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

Whenever the public convenience or the public good requires it, the county court of any county may change the boundaries of any election precinct in the county, or divide any precinct into two or more precincts, or consolidate two or more precincts into one, but no change, division or consolidation shall be made after the June term of the court next preceding an election. No change, division or consolidation shall be valid unless due notice is given, at least one month before any election, by one publication in the newspaper published in the county that has the largest circulation therein, or by posters put up in four of the most public places in the precinct.

3. Whereas in order to make the necessary changes in the election precincts contemplated by this Act, in time for the 1948 elections, it is essential that this Act become effective at an early date, an emergency is hereby declared to exist and this Act shall become effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Sidney Baer	Paul Carter	C. J. Holsclaw
Levi Baker	George I. Cline	D. W. Howard
Chas. J. Bronston	Perry M. Cross	M. G. Howard
Chas. W. Burnley	G. I. Drury	R. N. Hubbard
A. H. Calvert	Kermit Dwyer	Ira W. Hulette

Paul S. Jonas	Ottis Roberts	Chas. L. Spillman
L. H. Jones	F. L. Robinson	Geo. W. Steinford
C. D. Moberly	Glenn Rushing	W. R. Tipton
Thomas A. Noe, Jr.	D. B. Saylor	Lynn Boyd Wells
J. H. Polsgrove	James S. Shaw	Charles W. Wirsch
E. F. Prichard		—31

Those who voted in the negative were—

Bernam Adams	Carson Hibbitts	L. W. Preston
Jason Alford	E. R. Hilton	Lilburn S. Rogers
Roy W. Arnold	Laban P. Jackson	Amos Runyan
C. E. Baumgardner	Emel Kozee	Dr. K. N. Salyer
Fred Beshear	W. E. McClure	LeRoy Saylor
Isaac M. Blevins	F. G. Marquette	James J. Shannon
Mrs. Mary Burnett	E. H. Martin	Paul E. Shannon
Earl W. Christian	Archie R. Moore	John M. Stumbo
Robert Collins	Walted Moorman	G. C. Thornton
Horace T. Cull	E. C. Mullins	J. B. Veech
Owen Deering	Stanley Murphy	Lawrence Watts
N. M. Hamilton	H. C. Patterson	Rodney Whitlow
James P. Hanratty	H. M. Pewitt	—38

And so said bill was rejected.

Mr. Burnley moved that the vote by which said bill was rejected be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Cooper moved that the rules be suspended and the privilege of the floor extended to Messrs. Charles Gordon Baer and Perry Stephen Baer.

Said motion was unanimously agreed to.

Mr. Shaw moved that the rules be suspended and the privilege of the floor extended to Mr. Robert E. Hession.

Said motion was unanimously agreed to.

Mr. Maurice G. Howard moved that the rules be suspended and the privilege of the floor extended to Mrs. Paul Whisman and Mr. Paul Kennedy.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 157. An Act relating to persons who are, or who are alleged or believed to be, mentally incompetent; including provisions as to observation, treatment, hospitalization, inquests, care, custody, and examination.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 202.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the certificate of the examiners mentioned in KRS 202.110 states in substance that in the opinion of such examiners the mental condition of the person is so abnormal that the safety of the person or of the public requires that he be committed for a period of care and further medical examination and observation of his mental condition, the court may order such person to a state hospital for the insane, or to a city or county hospital in the county having a psychopathic ward or facilities suitable, in the court's opinion, for the care and medical examination and observation of mental diseases, or, upon receipt of a certificate in writing from the United States Veterans Administration or other agency of the United States Government that facilities are available and that such person is eligible for care or treatment therein, to the said United States Veterans Administration or other agency of the United States Government, for a period of care and further medical examination and observation of the mental condition of such person not to exceed thirty-five days. Except when a person ordered to a mental hospital or federal agency has been found to be sane as provided in subsection (2) of this section, the court may not modify, withdraw, revoke or annul the order placing the individual in a mental

hospital or federal agency until the expiration of the thirty-five day period.

(2) Within thirty days after such an order is made, if the superintendent of the institution, or the responsible medical officer of the United States Veterans Administration or other federal agency to which the person has been ordered, finds that the person is sane, he shall so certify to the judge who made the order, and after the certificate has been delivered to the judge, may return the person to the county in which is located the court by which the order was made. Upon receipt of the certificate, the judge shall order the discharge of the person, and the clerk shall mail an attested copy of the order to the superintendent or medical officer from whom the certificate was received.

(3) Within thirty days after admission by court order as provided for in subsection (1) of this section, if the superintendent, and the clinical director, or a staff physician acting in the latter capacity, of the hospital to which the patient has been ordered, or, in the case of the United States Veterans Administration or other federal agency, the responsible medical officer and a staff physician of the Administration or other agency, find that the person is insane (psychotic), they shall so certify to the court by which the order was made. Thereupon an inquest shall be held in accordance with the provisions of this Chapter, and the court, instead of appointing examiners as provided for under KRS 202.100, shall admit as evidence the certificate above referred to in this subsection.

§ 2. Section 203.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person may apply to the superintendent of any state mental hospital for admission as a patient. The application shall be signed by the applicant in the presence of two witnesses. If the superintendent finds, upon examination, that the applicant is in need of hospital treatment, and that he will be benefited thereby, and that he is competent to make such application, the superintendent may receive and care for the applicant in the hospital.

(2) Such patient shall not be detained against his will for more than ten days from the date that he notifies the

superintendent in writing of his desire to leave the hospital, except as hereinafter provided in this section. If the superintendent, and clinical director or a staff physician acting in the latter capacity, believe that the patient is dangerous to himself or to society or would be benefited by further care and treatment in the hospital, they, or either of them, may within the same ten days file a petition in the proper court for an inquest concerning the sanity of the patient as provided in KRS Chapter 202; however, the court, instead of appointing examiners as provided in KRS 202.100 and 202.110, shall admit as evidence the affidavit of the superintendent, and clinical director or staff physician acting in the latter capacity, of the hospital in which the patient has been confined, that the defendant is insane (psychotic). If such a petition is filed, the superintendent of the hospital may continue to hold the patient, even beyond the expiration of the ten-day period referred to in this section, until officially notified by the court that the inquest has been held and the person has been found to be not insane (not psychotic).

§ 3. Section 203.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent of any state mental hospital, except those designated for the care of the criminal insane, shall, when requested by a health officer, receive and care for any person who needs immediate care and treatment because of mental derangement other than drug addiction or drunkenness. Such patient shall be received for a period not exceeding ten days from and inclusive of the date of request. The request for admission shall be based on a personal examination made within three days of the date of the request, and shall be filed at the institution at the time of the patient's reception.

(2) If the superintendent finds that the patient is not suitable for such care, the patient shall, upon the formal written request of the superintendent, be removed within ten days from the date of his reception by the health officer who requested his admission. Failure of the health officer to remove such a patient upon the formal written request of the superintendent, within the time limit set by this section, shall

render the health officer and the county from which the patient is sent jointly liable for payment for the care and custody of the patient for such time as he may be left in the hospital beyond the time limit prescribed in this section, at the same rate required by the Department of Welfare for nonindigent patients in the mental hospitals.

(3) If the superintendent, and clinical director or a staff physician acting in the latter capacity, find a patient to be a suitable person for care and treatment, they, or either of them, shall file a petition in the proper court for an inquest concerning the sanity of the patient as provided in KRS Chapter 202; however, the court instead of appointing physicians to make the examination as provided in KRS 202.100 and 202.101, shall admit as evidence the affidavit of the superintendent, and clinical director or a staff physician acting in the latter capacity, of the institution in which the patient has been confined, that the defendant is insane (psychotic).

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	George I. Cline	C. J. Holsclaw
Jason Alford	Robert Collins	Richard R. Houpt
Sidney Baer	Everett T. Cooper	Clyde S. Howard
Levi Baker	Perry M. Cross	D. W. Howard
C. E. Baumgardner	Owen Deering	M. G. Howard
Fred Beshear	G. I. Drury	R. N. Hubbard
Isaac M. Blevins	Kermit Dwyer	Ira W. Hulette
Chas. J. Bronston	Henry C. Hale	Laban P. Jackson
Chas. W. Burnley	N. M. Hamilton	Paul S. Jonas
A. H. Calvert	James P. Hanratty	J. Ernest Jones
Paul Carter	Carson Hibbitts	L. H. Jones
Earl W. Christian	E. R. Hilton	Ercel Kozee

W. E. McClure	Ottis Roberts	Geo. W. Steinfeld
F. G. Marquette	F. L. Robinson	John M. Stumbo
E. H. Martin	Lilburn S. Rogers	G. C. Thornton
Walter Moorman	Amos Runyan	W. R. Tipton
E. C. Mullins	Glenn Rushing	J. B. Veech
Stanley Murphy	Dr. K. N. Salyer	Lawrence Watts
H. C. Patterson	D. B. Saylor	Lynn Boyd Wells
H. M. Pewitt	LeRoy Saylor	Rodney Whitlow
J. H. Polsgrove	James J. Shannon	Geo. F. Williamson
L. W. Preston	James S. Shaw	Charles W. Wirsch
E. F. Prichard	Chas. L. Spillman	—68

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Carter moved that the rules be suspended and the privilege of the floor extended to Miss Ella V. Adams.

Said motion was unanimously agreed to.

Mr. Archie R. Moore moved that the rules be suspended and the privilege of the floor extended to Messrs. Otis White, J. Phelps, Fred Tuck and Arch Phelps.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 207: An Act relating to membership in the Teachers' Retirement System; amending KRS 161.240 so as to provide for eligibility to membership for present and future members of the instructional and administrative staffs of public Junior Colleges established and maintained under 165.160 to 165.260, KRS, inclusive.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Districts, Institutions and Offices Included in System.—The retirement system shall embrace all of the public elementary and secondary schools of the state and the institutions and offices enumerated in subsection (4) of KRS 161.220.

(2) The retirement system shall further embrace any existing public Junior Colleges established and maintained under 165.160 to 165.260, KRS, inclusive, the members of the instructional and administrative staffs of which shall on and after July 1, 1948, be eligible to membership in the Teachers' Retirement System of the State of Kentucky with the following options as to said membership:

(a) Any present member of the instructional and administrative staffs may individually decline membership and waive all obligations and rights under the statutes 161.220 to 161.710, KRS, inclusive, by acknowledgment on a proper form provided by the Board of Trustees.

(b) Any present member of the instructional and administrative staffs may come into membership with the status of "new" teacher entering service on July 1, 1948.

(c) Any present member of the instructional and administrative staffs may make the retirement contribution provided by law for any year or years subsequent to July 1, 1940, taught in the institution in which now employed and in addition thereto an actuarial adjustment of three per cent compound interest and receive service credit as if payment had been made currently as their respective duties were performed. Members of the staff taking this option shall be entitled to prior service credit as defined in KRS 161.220 (7). A true record of all such service shall be filed in the office of the Board of Trustees of the Teachers' Retirement System.

(3) The foregoing options must be determined in writing prior to July 1, 1948. If no option is made on the part of any member of the staffs, his status shall be that of option (b) and membership in the Retirement System shall be required as a condition of employment. On and after July 1, 1948, membership shall be compulsory as a condition of employment for all new members of the instructional and administrative staffs of said existing public Junior Colleges.

(4) The obligations, rights, benefits, and privileges created by subsections (2) and (3) of this section shall be extended to any public Junior College or Colleges created after July 1, 1948, and created and maintained under Section 165.160 to 165.260, KRS, inclusive; under such rules and regulations not inconsistent with the statutes as the Board of Trustees of the Teachers' Retirement System may adopt.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Everett T. Cooper	Laban P. Jackson
Jason Alford	Perry M. Cross	Kerby Jennings
Roy W. Arnold	Horace T. Cull	Paul S. Jonas
Sidney Baer	Owen Deering	L. H. Jones
Levi Baker	G. I. Drury	Ercel Kozee
C. E. Baumgardner	Kermit Dwyer	Harry K. Lowman
Fred Beshear	Henry C. Hale	W. E. McClure
Isaac M. Blevins	N. M. Hamilton	F. G. Marquette
Chas. J. Bronston	James P. Hanratty	C. D. Moberly
Chas. W. Burnley	Carson Hibbitts	Archie R. Moore
Paul Carter	Clyde S. Howard	Walter Moorman
Earl W. Christian	M. G. Howard	E. C. Mullins
George I. Cline	R. N. Hubbard	H. C. Patterson
Robert Collins	Ira W. Hulette	H. M. Pewitt

J. H. Polsgrove	Glenn Rushing	Geo. W. Steinfeld
L. W. Preston	Dr. K. N. Salyer	John M. Stumbo
E. F. Prichard	D. B. Saylor	W. R. Tipton
Ottis Roberts	LeRoy Saylor	J. B. Veech
F. L. Robinson	James J. Shannon	Lynn Boyd Wells
Lilburn S. Rogers	Paul E. Shannon	Rodney Whitlow
Amos Runyan	Chas. L. Spillman	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz.:

H. B. No. 352. An Act amending sub-section (5) of Section 132.590 of the Kentucky Revised Statutes providing for compensation of County tax commissioner and deputies.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H. J. of March 15, 1948, ante.)

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend House Bill No. 352 in the Senate, by striking the words "One Hundred and Forty Million" in line 11 and substituting in lieu thereof the words "One Hundred and Twenty-Five Million".

Amendment No. 2. Amend House Bill No. 352, in the Senate, by striking the words "one hundred million dollars" in line 14, and substituting in lieu thereof the words "eighty million dollars".

Amendment No. 3. Amend printed copy of House Bill No. 352 on page 1, section —, lines 5 - 7. Strike the following: "The sum of one thousand five hundred dollars for each seven and one-half million dollars of the property assessed in excess of fifteen million dollars". And insert in lieu thereof the following: "two cents on each one hundred dollars of the property assessed in excess of fifteen million dollars".

Amendment No. 4. Amend printed copy of House Bill No. 352, on page 2, line 19. Amend House Bill No. 352 by adding at the end of said bill, beginning in line 19 on page 2, the following additional sentence: "In counties assessing less than \$35,000,000 in taxable property the county shall allow and pay to the county tax commissioner from its funds, for assistants, \$200."

Said amendments to said bill were each and severally concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	G. I. Drury	E. H. Martin
Jason Alford	Kermit Dwyer	C. D. Moberly
Sidney Baer	N. M. Hamilton	Walter Moorman
Levi Baker	Carson Hibbitts	E. C. Mullins
C. E. Baumgardner	E. R. Hilton	Stanley Murphy
Fred Beshear	C. J. Holsclaw	Thomas A. Noe, Jr.
Isaac M. Blevins	D. W. Howard	H. C. Patterson
Chas. J. Bronston	M. G. Howard	H. M. Pewitt
A. H. Calvert	Ira W. Hulette	J. H. Polsgrove
Paul Carter	Laban P. Jackson	L. W. Preston
Earl W. Christian	Kerby Jennings	E. F. Prichard
George I. Cline	Paul S. Jonas	Ottis Roberts
Robert Collins	J. Ernest Jones	F. L. Robinson
Perry M. Cross	L. H. Jones	Lilburn S. Rogers
Horace T. Cull	Ercel Kozee	Amos Runyan
Owen Deering	W. E. McClure	Glenn Rushing

Dr. K. N. Salyer	Chas. L. Spillman	Lawrence Watts
D. B. Saylor	Geo. W. Steinfeld	Morris Weintraub
LeRoy Saylor	John M. Stumbo	Lynn Boyd Wells
James J. Shannon	G. C. Thornton	Rodney Whitlow
Paul E. Shannon	W. R. Tipton	Geo. F. Williamson
James S. Shaw	John C. Watts	Charles W. Wirsch

—66

Mr. Burnley moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz.:

H. B. No. 310. An Act relating to the appointment, members and terms of city recreational commissions.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H. J. of March 10, 1948, ante.)

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend House Bill No. 310 in the Senate by striking that part of lines 10, 11 and 12 beginning with the words "for terms" in line 10 and ending with the word "years" in line 12 and inserting in lieu thereof the following:

"for terms of four years, except that the members first appointed shall be so appointed that the terms of the members will expire in different years."

Amendment No. 2. Amend House Bill No. 310 in the Senate by adding at the end of said bill the following additional section:

“Section 2. Whereas, in cities of the first and second classes, the duties imposed upon recreational committees are such that they cannot conveniently be performed by a committee composed of only three members, with the result that it is substantially impossible to secure citizens who are willing to serve on such committees, an emergency is declared to exist and this Act shall take effect upon its passage and the approval of the Governor.

And with an amendment to the title of said bill as proposed and adopted by the Senate, viz.:

Amend the title of House Bill No. 310 by placing a comma in lieu of the period after the word “commissions” and then adding the following words:

“and declaring an emergency”.

Said amendments to said bill as proposed and adopted by the Senate were then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution weer as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Everett T. Cooper	Richard R. Houpt
Jason Alford	Perry M. Cross	R. N. Hubbard
Sidney Baer	Horace T. Cull	Ira W. Hulette
Levi Baker	G. I. Drury	Laban P. Jackson
C. E. Baumgardner	Henry C. Hale	Kerby Jennings
Isaac M. Blevins	N. M. Hamilton	J. Ernest Jones
Chas. J. Bronston	James P. Hanratty	L. H. Jones
A. H. Calvert	Carson Hibbitts	Ercel Kozee
Robert Collins	E. R. Hilton	Harry K. Lowman

W. E. McClure	Ottis Roberts	John M. Stumbo
E. H. Martin	F. L. Robinson	G. C. Thornton
C. D. Moberly	Lilburn S. Rogers	W. R. Tipton
Archie R. Moore	Amos Runyan	J. B. Veech
Walter Moorman	Dr. K. N. Salyer	John C. Watts
E. C. Mullins	D. B. Saylor	Lawrence Watts
Thomas A. Noe, Jr.	LeRoy Saylor	Morris Weintraub
H. C. Patterson	James J. Shannon	Lynn Boyd Wells
H. M. Pewitt	Paul E. Shannon	Rodney Whitlow
J. H. Polsgrove	Chas. L. Spillman	Geo. F. Williamson
L. W. Preston	Geo. W. Steinfeld	—59

Resolved that the title thereof be as amended.

Mr. Burnley moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 165. An Act relating to procuring and purchasing files, office equipment and supplies for use in the Franklin Circuit Court for the accomodation and preservation of records of State Fiscal suits and records filed in the Franklin Circuit Court by and against the Commonwealth of Kentucky and the departments thereof and providing for the payment therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Clerk of the State Fiscal Court, to wit: The Clerk of the Franklin Circuit Court, is authorized to

make requisition upon the Division of Purchases of the Commonwealth of Kentucky for the necessary office equipment, files and supplies for the accommodation and preservation of suits and records in Fiscal Cases filed in the Franklin Circuit Court by and against the Commonwealth of Kentucky and the departments thereof.

Section 2. It shall be the duty of the Director of the Division of Purchases to procure said supplies and equipment ordered and forward them to the Clerk of the Franklin Circuit Court when such order and requisition has been authorized and approved by the Judge of the Franklin Circuit Court.

Section 3. The Director of the Division of Purchases shall certify the cost of said supplies and equipment to the Division of Finance of the Commonwealth of Kentucky for payment, and it shall be the duty of the Division of Finance to pay for said equipment and supplies not to exceed \$300.00 per annum out of the general fund revenue not appropriated for other purposes.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	George I. Cline	E. R. Hilton
Jason Alford	Everett T. Cooper	Richard R. Houpt
Sidney Baer	Perry M. Cross	M. G. Howard
C. E. Baumgardner	Horace T. Cull	Ira W. Hulette
Fred Beshear	Owen Deering	Laban P. Jackson
Isaac M. Blevins	G. I. Drury	Ercel Kozee
Chas. J. Bronston	Kermit Dwyer	Harry K. Lowman
Chas. W. Brunley	Henry C. Hale	W. E. McClure
A. H. Calvert	N. M. Hamilton	E. H. Martin
Earl W. Christian	Carson Hibbitts	C. D. Moberly

Archie R. Moore	F. L. Robinson	John M. Stumbo
Walter Moorman	Amos Runyan	W. R. Tipton
E. C. Mullins	Dr. K. N. Salyer	J. B. Veech
Stanley Murphy	D. B. Saylor	John C. Watts
Thomas A. Noe, Jr.	LeRoy Saylor	Lawrence Watts
H. C. Patterson	James J. Shannon	Morris Weintraub
H. M. Pewitt	Paul E. Shannon	Lynn Boyd Wells
J. H. Polsgrove	James S. Shaw	Rodney Whitlow
L. W. Preston	Chas. L. Spillman	Geo. F. Williamson
Ottis Roberts	Geo. W. Steinfeld	Charles W. Wirsch

—60

There voted in the negative—

Roy W. Arnold

—1

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. John C. Watts moved that the House do now take up from the Clerk's desk a bill which was reported to this House from the Senate on March 17, 1948.

Said motion was agreed to.

Thereupon the House took up for consideration a bill of the following title, viz.:

H. B. No. 358. An Act relating to Revenue and Taxation, particularly to the taxation of transfers of property or any interest therein.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H. J. of March 5, 1948.)

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend printed copy of House Bill No. 358 on page 6, section 7a, line

Section 7a. Subsection (2) of Section 140.030 of the Kentucky Revised Statutes is amended to read as follows:

“(2) The proceeds payable under any life insurance policy on the death of the assured (other than a United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government), whether payable to a designated beneficiary or to the assured or his estate, shall be taxable as a part of the legacy as the distributable share of the beneficiary, except that the proceeds of an insurance policy payable to a designated beneficiary other than the assured or his estate, not to exceed twenty thousand dollars in the aggregate, shall be tax-free. The tax-free portion shall be divided among the beneficiaries in proportion to the proceeds payable to each of them. The proceeds payable under any United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government, whether payable to a designated beneficiary or to the assured or his estate, shall be tax-free, and shall not be considered in determining the value of any taxable transfer.”

Amendment No. 2. Amend printed copy of House Bill No. 358 on page, section, line, by striking therefrom Sections 14 to 33, inclusive.

Said amendments to said bill were then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	Everett T. Cooper
Jason Alford	Chas. J. Bronston	Perry M. Cross
Sidney Baer	Paul Carter	Horace T. Cull
Levi Baker	Earl W. Christian	Owen Deering
C. E. Baumgardner	George I. Cline	G. I. Drury

N. M. Hamilton	Ercel Kozee	Glenn Rushing
Carson Hibbitts	Harry K. Lowman	Dr. K. N. Salyer
E. R. Hilton	W. E. McClure	LeRoy Saylor
C. J. Holsclaw	E. H. Martin	Paul E. Shannon
Richard R. Houpt	Walter Moorman	Chas. L. Spillman
Clyde S. Howard	Stanley Murphy	G. C. Thornton
D. W. Howard	H. C. Patterson	J. B. Veech
M. G. Howard	H. M. Pewitt	John C. Watts
Ira W. Hulette	L. W. Preston	Morris Weintraub
Laban P. Jackson	E. F. Prichard	Lynn Boyd Wells
Kerby Jennings	Ottis Roberts	Geo. F. Williamson
Paul S. Jonas	F. L. Robinson	Charles W. Wirsch
J. Ernest Jones	Amos Runyan	—53

Those who voted in the negative were—

C. D. Moberly	E. C. Mullins	—2
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Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. John C. Watts moved that the House do now take up from the Clerk's desk a bill which was reported to this House from the Senate on March 17, 1948.

Said motion was agreed to.

Thereupon the House took up for consideration a bill of the following title, viz.:

H. B. No. 203. An Act relating to the business of leasing, renting, or letting out for hire, motor vehicles to be used for the transportation of persons but for which no driver is furnished, such business being commonly known as the "U-Drive-It" or "Rent-A-Car" business.

With an amendment thereto by way of substitute therefor as proposed and adopted by the Senate.

(For bill see H. J. of February 17, 1948.)

Said amendment to said bill by way of substitute therefor as proposed and adopted by the Senate is as follows, viz.:

An Act relating to the business of leasing, renting, or letting out for hire, motor vehicles to be used for the transportation of persons but for which no driver is furnished, such business being commonly known as the "U-Drive-It" or "Rent-A-Car" business.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. No person shall engage in the business of leasing, renting, or letting out for hire, motor vehicles to be used for the transportation of persons but for which no driver is furnished, such business being commonly known as the "U-Drive-It" or "Rent-A-Car" business, until he has filed with the Department of Revenue an insurance policy, covering the owner as the named assured, and meeting the requirements provided for in KRS 187.490, or has qualified as a self-insurer in the same manner as is provided for in KRS 187.600.

2. Any person who violates any of the provisions of this Act shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in jail for not less than ten days nor more than thirty days, or both.

Said amendment to said bill by way of substitute therefor was then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	George I. Cline
Sidney Baer	Isaac M. Blevins	Robert Collins
Levi Baker	Paul Carter	Everett T. Cooper
C. E. Baumgardner	Earl W. Christian	Perry M. Cross

Owen Deering	L. H. Jones	Glenn Rushing
Henry C. Hale	Ercel Kozee	D. B. Saylor
N. M. Hamilton	W. E. McClure	LeRoy Saylor
James P. Hanratty	F. G. Marquette	Paul E. Shannon
Carson Hibbitts	E. H. Martin	James S. Shaw
E. R. Hilton	C. D. Moberly	Chas. L. Spillman
Richard R. Houpt	Walter Moorman	John M. Stumbo
Clyde S. Howard	E. C. Mullins	G. C. Thornton
D. W. Howard	Stanley Murphy	W. R. Tipton
M. G. Howard	Thomas A. Noe, Jr.	John C. Watts
R. N. Hubbard	H. M. Pewitt	Lawrence Watts
Ira W. Hulette	J. H. Polsgrove	Morris Weintraub
Laban P. Jackson	L. W. Preston	Lynn Boyd Wells
Kerby Jennings	Ottis Roberts	Geo. F. Williamson
Paul S. Jonas	Lilburn S. Rogers	Charles W. Wirsch
J. Ernest Jones	Amos Runyan	—59

Resolved that the title thereof be as amended.

Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing that they had passed a bill which originated in the House entitled:

H. B. No. 465. An Act relating to parole; amending KRS 439.110 and repealing KRS 439.105 and 439.106.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H. J. of March 15, 1948, ante.)

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend House Bill No. 465 in the Senate by renumbering Section 3 to be Section 4, and by inserting a new Section 3 to read as follows:

“Section 3. Section 439.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall appoint such probation and parole officers, not to exceed forty in number for the state, as are required for service in the circuit courts and for the supervision of persons paroled from all penal institutions under the control of the department.

(2) Probation and parole officers shall serve in such courts or districts as the department assigns them.

(3) They shall be paid such salaries as the department prescribes. They may also be paid traveling and other necessary expenses incurred in the performance of their duties.

(4) The fiscal court in each county in which a probation and parole officer serves shall provide suitable office space for the officer in or near the courthouse.”

Amendment No. 2. Amend House Bill 465 in the Senate by substituting a semi-colon in place of the period at the end of line 26 of Section 1 and page 2 and inserting at that point the following words:

“provided that in the case of any such prisoner sentenced prior to January 1, 1948, the minimum period of confinement shall be one-fourth of the sentence or sentences instead of one-third.”

And with an amendment to the title thereto, as proposed and adopted by the Senate, viz.:

Amend Title. Amend the title to House Bill No. 465 in the Senate by striking the title and inserting in lieu thereof the following title:

“An Act relating to probation and parole officers; amending KRS 439.110 and 439.200 and repealing KRS 439.105 and 439.106.”

Ordered that said bill, together with the amendments as proposed and adopted by the Senate, be laid on the Clerk's Desk.

The message which was received from the Senate also announced that they had adopted a resolution which originated in that body as follows, viz.:

S. Res. No. 74. Concurrent Resolution directing the Legislative Research Commission to make a study of strip mining and providing for a report thereon.

Whereas, the mining of coal by the strip or open pit method is a comparatively new industry in Kentucky, concerning which no accurate factual data is available; and

Whereas, the General Assembly is interested in the development and utilization of the natural resources of the state and desires to place no unreasonable impediment in the way of same; and

Whereas, it is desirable that the General Assembly be fully advised and informed concerning strip or open pit mining operations and programs in this state, with a view to the enactment of well-considered legislation:

Now, Therefore, be it resolved by the Senate of the Commonwealth of Kentucky and the House of Representatives concurring:

That the Legislative Research Commission is requested by the General Assembly to have a thorough survey and study made of strip or open pit mining in the Commonwealth of Kentucky and report its findings and recommendations to the Governor of the Commonwealth of Kentucky, whereby

he can report to any session of the General Assembly said findings and recommendations.

Ordered that said resolution be laid on the Clerk's desk.

Mr. John C. Watts moved that the House do now adjourn to meet again at 10 o'clock, a.m., Friday, March 19, 1948.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, MARCH 19, 1948.

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend Paul S. Stauffer, pastor of the First Christian Church, of Frankfort, Ky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	George I. Cline	C. J. Holsclaw
Jason Alford	Robert Collins	Richard R. Houpt
Roy W. Arnold	Everett T. Cooper	Clyde S. Howard
Earl F. Ashcraft	Perry M. Cross	D. W. Howard
Sidney Baer	Horace T. Cull	M. G. Howard
Levi Baker	B. G. Davidson	R. N. Hubbard
Bernhardt Bauer	Owen Deering	Ira W. Hulette
C. E. Baumgardner	G. I. Drury	Laban P. Jackson
Fred Beshear	Kermit Dwyer	Kerby Jennings
Isaac M. Blevins	Otto W. Goff	Paul S. Jonas
Chas. J. Bronston	Henry C. Hale	J. Ernest Jones
Mrs. Mary Burnett	N. M. Hamilton	L. H. Jones
Chas. W. Burnley	James P. Hanratty	Ercel Kozee
A. H. Calvert	Dennis Henderson	Harry K. Lowman
Paul Carter	Carson Hibbitts	W. E. McClure
Earl W. Christian	E. R. Hilton	Ed Marcum

F. G. Marquette	L. W. Preston	Chas. L. Spillman
E. H. Martin	E. F. Prichard	Geo. W. Steinfeld
C. D. Moberly	Hobart Rayburn	John M. Stumbo
Archie R. Moore	Ottis Roberts	Albert Thomason
Davis Moore	F. L. Robinson	G. C. Thorton
Walter Moorman	Amos Runyan	W. R. Tipton
Fred H. Morgan	Glenn Rushing	Wilford S. Travis
E. C. Mullins	Dr. K. N. Salyer	J. B. Veech
Stanley Murphy	Lilburn S. Rogers	John C. Watts
Thomas A. Noe, Jr.	LeRoy Saylor	Lawrence Watts
Joe E. Nunn	James J. Shannon	Morris Weintraub
Harmon S. Overby	Paul E. Shannon	Lynn Boyd Wells
H. C. Patterson	James S. Shaw	Rodney Whitlow
H. M. Pewitt	Jesse H. Shelton	Geo. F. Williamson
J. H. Polsgrove	John M. Spaulding	Charles W. Wirsch

Dr. Salyer moved that the reading of the Journal of the House of the proceedings of Thursday, March 18, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. John C. Watts moved that subsections (d) and (e) of Rule 3 of this House be dispensed with.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 340. An Act relating to the availability of state funds appropriated for public assistance, including old age assistance, aid to dependent children, and aid to the needy blind.

Said bill is as follows, viz.:

Whereas, social and economic factors make it exceedingly difficult to estimate exactly the number of persons who may be determined eligible to receive assistance in a particular

year, the full amount of assistance funds appropriated by the Legislature and intended for needy persons may not be distributed to them, unless provision is made to avoid these monies being turned back to the General Fund at the end of each year with consequent loss of matching federal funds.

Now Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the statutes regarding aid to dependent children is created, to be numbered KRS 200.045 and to read as follows:

Notwithstanding the provisions of KRS 45.230 and notwithstanding any other provision of the Kentucky Revised Statutes, any unexpended or unencumbered balance of any Social Security appropriation, made available for expenditure by the Division of Public Assistance for the first fiscal year of each biennium, remaining at the end of such fiscal year, shall be carried forward and be available for expenditure at any time during the ensuing fiscal year within the biennium and no portion shall lapse to the General Expenditure Fund.

Section 2. A new section of the statutes regarding old age assistance is created, to be numbered KRS 205.045 and to read as follows:

Notwithstanding the provisions of KRS 45.230 and notwithstanding any other provision of the Kentucky Revised Statutes, any unexpended or unencumbered balance of any Social Security appropriation, made available for expenditure by the Division of Public Assistance for the first fiscal year of each biennium, remaining at the end of such fiscal year, shall be carried forward and be available for expenditure at any time during the ensuing fiscal year within the biennium and no portion shall lapse to the General Expenditure Fund.

Section 3. A new section of the statutes regarding aid to the needy blind is created, to be numbered KRS 207.085 and to read as follows:

Notwithstanding the provisions of KRS 45.230 and notwithstanding any other provision of the Kentucky Revised

Statutes, any unexpended on unencumbered balance of any Social Security appropriation, made available for expenditure by the Division of Public Assistance for the first fiscal year of each biennium, remaining at the end of such fiscal year, shall be carried forward and be available for expenditure at any time during the ensuing fiscal year within the biennium and no portion shall lapse to the General Expenditure Fund.

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	M. G. Howard	Ottis Roberts
Sidney Baer	R. N. Hubbard	F. L. Robinson
Bernhardt Bauer	Ira W. Hulette	Lilburn S. Rogers
Fred Beshear	Laban P. Jackson	Amos Runyan
Isaac M. Blevins	Kerby Jennings	Glenn Rushing
Chas. J. Bronston	J. Ernest Jones	Dr. K. N. Salyer
Chas. W. Burnley	L. H. Jones	LeRoy Saylor
A. H. Calvert	Ercel Kozee	James J. Shannon
Earl W. Christian	Harry K. Lowman	Paul E. Shannon
George I. Cline	W. E. McClure	James S. Shaw
Robert Collins	Ed Marcum	Chas. L. Spillman
Everett T. Cooper	F. G. Marquette	Geo. W. Steinfeld
Horace T. Cull	E. H. Martin	John M. Stumbo
Kermit Dwyer	Archie R. Moore	G. C. Thornton
Otto W. Goff	Davis Moore	W. R. Tipton
Henry C. Hale	Walter Moorman	J. B. Veech
N. M. Hamilton	Fred H. Morgan	John C. Watts
James P. Hanratty	E. C. Mullins	Lawrence Watts
Carson Hibbitts	Thomas A. Noe, Jr.	Morris Weintraub
E. R. Hilton	Joe E. Nunn	Lynn Boyd Wells
Richard R. Houpt	H. C. Patterson	Rodney Whitlow
Clyde S. Howard	H. M. Pewitt	Geo. F. Williamson
D. W. Howard	L. W. Preston	Charles W. Wirsch

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 238. An Act relating to the state parks; providing for the commissioning of certain employes of the Division of Parks as peace officers, and providing a penalty for the violation of regulations governing the parks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A new section of the statutes is created to read as follows:

The Director of the Division of Parks, in his discretion, may commission the chief custodian of each state park, and such other of the employes of the division assigned to the various parks as the director deems necessary, as park patrolmen, and such custodians and employes, when so commissioned, shall have all of the powers of peace officers within the boundaries of any state park. Any custodian or employe so commissioned shall be required to execute bond, in a penal sum fixed by the director, for the faithful and lawful performance of his duties.

§ 2. Section 148.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates subsection (2) of KRS 148.050 shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned in jail for not less than one day nor more than ten days, or both.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	D. W. Howard	H. M. Pewitt
Jason Alford	M. G. Howard	L. W. Preston
Sidney Baer	R. N. Hubbard	Ottis Roberts
Bernhardt Bauer	Ira W. Hulette	F. L. Robinson
C. E. Baumgardner	Laban P. Jackson	Lilburn S. Rogers
Fred Beshear	Paul S. Jonas	Glenn Rushing
Isaac M. Blevins	J. Ernest Jones	Dr. K. N. Salyer
Chas. J. Bronston	L. H. Jones	LeRoy Saylor
A. H. Calvert	Ercel Kozee	James J. Shannon
Robert Collins	Harry K. Lowman	Paul E. Shannon
Everett T. Cooper	W. E. McClure	James S. Shaw
Perry M. Cross	Ed Marcum	Chas. L. Spillman
Horace T. Cull	F. G. Marquette	Geo. W. Steinfeld
G. I. Drury	E. H. Martin	John M. Stumbo
Kermit Dwyer	C. D. Moberly	Albert Thomason
Otto W. Goff	Archie R. Moore	W. R. Tipton
Henry C. Hale	Davis Moore	John C. Watts
N. M. Hamilton	Fred H. Morgan	Lawrence Watts
James P. Hanratty	E. C. Mullins	Morris Weintraub
Carson Hibbitts	Stanley Murphy	Lynn Boyd Wells
E. R. Hilton	Thomas A. Noe, Jr.	Rodney Whitlow
C. J. Holslaw	Joe E. Nunn	Geo. F. Williamson
Richard R. Houpt	H. C. Patterson	Charles W. Wirsch
Clyde S. Howard		

—70

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Speaker vacated the Chair and designed Mr. Rayburn as Speaker Pro Tem.

Mr. Hubbard moved that the rules be suspended and the privilege of the floor extended to Dr. C. C. Howard and Dr. James Gillenwater.

Said motion was unanimously agreed to.

Mr. Clyde S. Howard moved that the rules be suspended and the privilege of the floor extended to Mrs. George Williamson, Tommy and Jimmy Williamson, and Mr. Doug Bowling.

Said motion was unanimously agreed to.

Mr. Patterson moved that the rules be suspended and the privilege of the floor extended to Mr. R. E. West.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 112. An Act to repeal, amend and re-enact Section 276.060 Kentucky Revised Statutes with respect to authorizing the Kentucky Railroad Commission to employ clerical and other help necessary to enable it to promptly and efficiently perform the duties required of it by the Constitution and Statutes of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 276.060 Kentucky Revised Statutes be, and the same is hereby repealed, amended and re-enacted so as to read as follows, viz.:

276.060(1) The office of the Kentucky Railroad Commission shall be at the seat of Government;

(2) The Commission may appoint a secretary, a stenographer, and such other employees as it may find necessary to the proper performance of its duties and fix the compensation of such employees within the annual appropriation of said Commission by the Legislature;

(3) The Chairman of the Commission shall receive a salary of Three Thousand (\$3,600.00) Six Hundred Dollars per annum, and each of the other Commissioners shall receive a salary of Three Thousand (\$3,000.00) Dollars per annum. Each Commissioner shall receive his actual, necessary traveling expense while engaged in the discharge of his duties;

(4) The members and employees of the Kentucky Railroad Commission, when in the performance of their official duties, shall have the right to free transportation between points in this State on all vehicles or common carriers subject in whole or in part to control or regulation by the Commission. Each carrier shall issue to the State, for the use of each member and employee of the Commission, written or printed authority entitling them to be transported free of charge over the lines of the carrier when engaged in the discharge of their official duties.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. E. Baumgardner	A. H. Calvert
Jason Alford	Fred Beshear	Earl W. Christian
Earl F. Ashcraft	Isaac M. Blevins	Everett T. Cooper
Sidney Baer	Chas. J. Bronston	Perry M. Cross.
Bernhardt Bauer	Chas. W. Burnley	Horace T. Cull

G. I. Drury	L. H. Jones	Ottis Roberts
Kermit Dwyer	Ercel Kozee	F. L. Robinson
Otto W. Goff	Harry K. Lowman	Amos Runyan
N. M. Hamilton	W. E. McClure	Dr. K. N. Salyer
E. R. Hilton	Ed Marcum	LeRoy Saylor
C. J. Holsclaw	E. H. Martin	James J. Shannon
Richard R. Houpt	C. D. Moberly	Paul E. Shannon
Clyde S. Howard	Archie R. Moore	James S. Shaw
D. W. Howard	Davis Moore	Chas. L. Spillman
M. G. Howard	Walter Moorman	Geo. W. Steinfeld
R. N. Hubbard	Fred H. Morgan	G. C. Thornton
Ira W. Hulette	Stanley Murphy	W. R. Tipton
Laban P. Jackson	Thomas A. Noe, Jr.	J. B. Veech
Kerby Jennings	H. C. Patterson	John C. Watts
Paul S. Jonas	H. M. Pewitt	Lynn Boyd Wells
J. Ernest Jones	Hobart Rayburn	Rodney Whitlow

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Those who voted in negative were—

E. C. Mullins	L. W. Preston	Lilburn S. Rogers
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Resolved that the title thereof be as aforesad.

Mr. Burnley moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 113. An Act repealing Subsection (25) of Section 276.990, Kentucky Revised Statutes and repealing, amending and re-enacting Section 276.480, Kentucky Revised Statutes, so as to provide a penalty for the violation of any prohibition in said Section 276.480.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:•

That Subsection (25) of Section 276.990, Kentucky Revised Statutes be, and the same is hereby repealed, and that Section 276.480 be, and the same is hereby repealed, amended and re-enacted so as to read as follows, to wit:

(1) Upon the application of any carrier by railroad, and after such notice to the public and such hearing as the commission may by order prescribe, the Railroad Commission of Kentucky shall have the power and it shall be its duty to authorize common carriers by railroad to discontinue passenger service by railroad on any line of railroad or branch thereof in this State, whenever in the opinion of said Railroad Commission any such passenger service by railroad has been and is being carried on at a loss and there is no reasonable probability that such condition will in the future change for the better, or whenever any passenger service by railroad has for any reason become unnecessary in the public interest; and no carrier by railroad shall discontinue any passenger train or substitute a mixed train for a passenger train on any line of railroad or branch thereof until said Railroad Commission shall have authorized the discontinuance or substitution in accordance with the provisions of this section, provided, however, this clause shall not apply to seasonal passenger trains.

(2) Any railroad company that has established and maintained throughout the year, for five consecutive years, a passenger station at a point on its line, shall not abandon the station without the written consent of the Railroad Commission.

(3) Any railroad company that violates any of the provisions of this section shall be fined not less than one Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars for each offense.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	L. H. Jones	L. W. Preston
Sidney Baer	Ercel Kozee	E. F. Prichard
Fred Beshear	W. E. McClure	Hobart Rayburn
Chas. J. Bronston	Ed Marcum	Ottis Roberts
Chas. W. Burnley	F. G. Marquette	F. L. Robinson
A. H. Calvert	E. H. Martin	Lilburn S. Rogers
Everett T. Cooper	C. D. Moberly	Amos Runyan
G. I. Drury	Archie R. Moore	Glenn Rushing
Kermit Dwyer	Davis Moore	Dr. K. N. Salyer
Otto W. Goff	Walter Moorman	LeRoy Saylor
N. M. Hamilton	Fred H. Morgan	James J. Shannon
E. R. Hilton	E. C. Mullins	Paul E. Shannon
C. J. Holsclaw	Stanley Murphy	Chas. L. Spillman
Richard R. Houpt	Thomas A. Noe, Jr.	Albert Thomason
Clyde S. Howard	Joe E. Nunn	W. R. Tipton
M. G. Howard	Harmon S. Overby	J. B. Veech
R. N. Hubbard	H. C. Patterson	John C. Watts
Laban P. Jackson	H. M. Pewitt	Rodney Whitlow
Kerby Jennings	J. H. Polsgrove	Charles W. Wirsch
J. Ernest Jones		—58

There voted in the negative—

Horace T. Cull

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Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 191. An Act relating to the budget and financial administration law of the Commonwealth, amending

KRS 45.160, 45.190, 45.200 and repealing Section 45.130 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 45.160 of the Kentucky Revised Statutes is amended to read as follows:

Except as deviations therefrom are made necessary by changes in conditions of operations, to meet unforeseen contingencies, to correct errors, or to avoid cash deficits, the heads of the budget units, the Department of Finance and the Governor, in allotting appropriations for expenditure, shall be governed by the work plans formulated by the heads of the budget units as shown in the detailed budget estimates as enacted by the General Assembly, and the heads of the budget units shall hold to the work plans and detailed expenditure estimates as authorized and approved on advices of allotments. The Commissioner of Finance shall make quarterly allotments of appropriations, except in the case of appropriations for the purpose of capital outlay for buildings, roads and bridges, and for printing, as provided in KRS 45.200. In making the allotments the expenditures to be authorized shall be classified according to purpose and type, and the funds allotted for each purpose or type of expenditure shall be used for no other purpose, except that the head of any budget unit, with the approval of the Commissioner of Finance, may transfer allotted funds from one purpose or type of expenditure to another, within the budget unit. In no case shall obligations be incurred or expenditures made in excess of the total amounts allotted. The decision of the Commissioner of Finance as to the amount of any allotment for any fiscal quarter or as to the purposes for which money allotted may be expended, shall be final and conclusive.

§ 2. Section 45.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every advice of employment, copy of purchase order or contract, requisition for reservation of funds, or letter of

travel authorization for travel outside of Kentucky shall, immediately upon its receipt in the office of the Department of Finance, be stamped with the date of its receipt and be examined by the Department of Finance within the next business day after being so received. A copy of each of such documents shall be maintained on file in the office of the Department of Finance. The Department of Finance shall ascertain whether or not the proposed expenditures are authorized by the appropriations and allotments to which it is proposed to charge them, and that the amounts involved do not exceed the unencumbered balances of such allotments. If any proposed expenditure cannot be approved by the Department of Finance under the provisions of this chapter, the department shall promptly notify the head of the budget unit concerned that the proposed expenditure is disallowed. The Commissioner of Finance shall cause to be stamped on, or attached to, each approved commitment voucher, a certificate by himself or his authorized agent as follows:

“I certify that this voucher has been examined, that the proposed expenditure is authorized by appropriation and allotment and does not exceed the unencumbered balance of the allotment to which it is properly chargeable, and that the total estimated costs has been entered as a charge against (here insert the designation of the proper allotment).”

(2) No head of a budget unit or assistant designated by him shall approve any advice of employment, purchase, order, contract, requisition for reservation of funds or letter of travel authorization for travel outside of Kentucky that will involve an expenditure of any sum in excess of the unencumbered balance of the allotment to which the resulting expenditure will be chargeable.

(3) Except as expressly authorized in this chapter, no person shall incur, or order or vote to incur, any obligation against the state in excess of, or any expenditure not authorized by, appropriation, allotment and approval of a commitment voucher as provided in this chapter. Any such obligation so incurred shall not be binding against the state, and shall be void and incapable of ratification by any administrative authority of the state.

(4) Each department or budget unit shall maintain a current inventory of all supplies and equipment the State Treasurer for the amount equipment shall be available for examination by the Department of Finance at all times. A copy of the inventory of each department or budget unit shall be filed with the Department of Finance as of June 30 of each year.

§ 3. 45.200 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Finance may grant special authority for any budget unit, during any fiscal year, to enter into contracts for capital outlay or for state printing, in anticipation of appropriations already made for the ensuing fiscal year or biennium. Contracts made before the close of a fiscal year under such authority shall be treated as deferred charges to the appropriations and expenses of the next fiscal year or biennium.

§ 4. That section 45.130 of the Kentucky Revised Statutes be and the same is hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Earl W. Christian	C. J. Holsclaw
Jason Alford	Everett T. Cooper	Richard R. Houpt
Earl F. Ashcraft	Perry M. Cross	D. W. Howard
Sidney Baer	Horace T. Cull	M. G. Howard
C. E. Baumgardner	G. I. Drury	R. N. Hubbard
Fred Beshear	Kermit Dwyer	Ira W. Hulette
Isaac M. Blevins	Otto W. Goff	Laban P. Jackson
Chas. J. Bronston	N. M. Hamilton	Paul S. Jonas
Chas. W. Burnley	James P. Hanratty	J. Ernest Jones
A. H. Calvert	E. R. Hilton	L. H. Jones

Ercel Kozee	Thomas A. Noe, Jr.	Glenn Rushing
Harry K. Lowman	Joe E. Nunn	Dr. K. N. Salyer
W. E. McClure	Harmon S. Overby	James J. Shannon
Ed Marcum	H. C. Patterson	Paul E. Shannon
F. G. Marquette	H. M. Pewitt	Chas. L. Spillman
E. H. Martin	J. H. Polsgrove	G. C. Thornton
C. D. Moberly	L. W. Preston	W. R. Tipton
Davis Moore	Hobart Rayburn	J. B. Veech
Walter Moorman	Ottis Roberts	John C. Watts
Fred H. Morgan	F. L. Robinson	Lawrence Watts
E. C. Mullins	Lilburn S. Rogers	Rodney Whitlow
Stanley Murphy	Amos Runyan	Charles W. Wirsch

—66

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills and resolutions of the following titles, viz.:

S. B. No. 197. An Act relating to the establishment in Kentucky of medical and surgical hospitals and related services, creating a division in the Department of Health to establish and regulate such services, and authorizing said division to accept on behalf of the Commonwealth of Kentucky.

S. B. No. 199. An Act relating to the state tuberculosis sanatoria, including Hazlewood Sanatorium; providing for a State Tuberculosis Sanatoria Commission.

S. B. No. 129. An Act to amend and re-enact Section 230.030 of the Kentucky Revised Statutes.

S. B. No. 242. An Act relating to licensing of motor vehicle operators.

S. B. No. 287. An Act providing that the Commonwealth of Kentucky may enter into compact with any of the United States for mutual helpfulness with persons convicted of crime.

S. B. No. 299. An Act appropriating funds to the Division of Parks for recurring costs of operations of Kentucky Dam Village and property in its vicinity.

S. B. No. 303. An Act relating to Geology; providing for a Kentucky Geological Survey to be established and operated at and within the University of Kentucky.

S. B. No. 307. An Act relating to aeronautics; making provision for a State Department of Aeronautics, including its organization, personnel, and functions; abolishing the Kentucky Aeronautics Commission and the office of Director of Aeronautics.

S. B. No. 311. An Act to amend Sections 58.020 and 58.030 KRS, which sections are part of an Act providing for the acquisition and development of public projects by governmental units and agencies through revenue bonds.

S. B. No. 312. An Act to amend sections 148.020, 148.030 and 148.040 KRS, which sections pertain to the acquisition of state parks, the issuance of revenue bonds to improve same, and provide for the setting up of a system of accounting for the revenue derived from the operation of same.

S. B. No. 313. An Act repealing, amending and reenacting sub-section 2 of Section 12.050 of the Kentucky Revised Statutes relating to compensation of certain officers and employees paid from funds appropriated to statutory administrative departments.

S. B. No. 315. An Act making appropriations for expenses incident to and in connection with the office of Gov.

ernor and for the Governor's Mansion, and providing that said appropriations shall be in lieu of certain other appropriations.

S. Res. No. 10. A Joint Resolution authorizing Betty Lee Hatfield, an infant nineteen years of age, by her guardian or next friend, to sue the Commonwealth of Kentucky.

S. Res. No. 12. A Joint Resolution authorizing Edmund Hoyle, Mary Hoyle, Charles Edward Hoyle, Millard Stratton, Dorothy E. Stratton, Marvin Ray Stratton, and Henry Stratton, all of Floyd County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

S. Res. No. 13. A Joint Resolution authorizing the payment of the claim of G. B. Taylor, of Greensburg, Kentucky for traveling expenses incurred while serving as a member of the County Boundary Commission established by Chapter 179 of the Acts of 1944; and appropriating the necessary sum to pay the claim.

S. Res. No. 20. A Joint Resolution authorizing Maude Turner Herald to file suit against the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School, or any one or more of them.

S. Res. No. 21. A Joint Resolution authorizing and directing the payment of the claim of J. C. Williamson, of Pikeville, Kentucky, for the return of certain fugitives from justice, and making an appropriation for that purpose.

S. Res. No. 24. A Joint Resolution authorizing Fred Sloan, Administrator of the estate of Clayton Sloan to sue the Commonwealth of Kentucky; and the Department of Welfare.

S. Res. No. 26. A Joint Resolution authorizing James Daniel Chancey, Louisville, Kentucky, to sue the Commonwealth of Kentucky.

S. Res. No. 28. A Joint Resolution authorizing the statutory guardian or next friend of Douglas Eversole to sue the Commonwealth of Kentucky and the Department of Agriculture.

S. Res. No. 29. A Joint Resolution authorizing the personal representatives of William Flannery, Grant Judd and Augustus Mainous to sue the Commonwealth of Kentucky.

S. Res. No. 34. A Joint Resolution authorizing the personal representative of J. W. Lathan, deceased, to use the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 35. A Joint Resolution authorizing Leo F. Wilson, of Versailles, Kentucky, to sue the Commonwealth of Kentucky and the Division of Game and Fish of Kentucky, or either.

S. Res. No. 36. A Joint Resolution authorizing Harvey D. Brown, of Lexington, Kentucky, to sue the Commonwealth of Kentucky and the Department of Welfare, or either.

S. Res. No. 43. A Joint Resolution making an appropriation for the purpose of paying the claim of A. L. P. Corder, of Cumberland, Kentucky, for expenses incurred as special agent of the Governor in returning a fugitive from justice, and directing the payment of the amount appropriated to the said A. L. P. Corder.

S. Res. No. 44. A Joint Resolution authorizing Anderson Hays to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

S. Res. No. 50. A Joint Resolution providing for the payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

S. Res. No. 51. A Joint Resolution repealing, amending and re-enacting Section 1 of Chapter 267 of the Acts of the General Assembly of Kentucky at its regular session 1942, and approved by the Governor March 2, 1942, so as to enable the Governor within his discretion to renew Interstate Compacts to Conserve Oil and Gas.

S. Res. No. 53. A Joint Resolution authorizing Joe Perry, of Greensburg, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. No. 54. A Joint Resolution authorizing Raymond Clayton of Providence, Kentucky, to sue the Commonwealth of Kentucky.

S. Res. No. 58. A Resolution authorizing Frank Shearer, Administrator of the estate of Oral Shearer, deceased, to sue the Commonwealth of Kentucky.

S. Res. No. 59. A Joint Resolution authorizing Charles R. Hagerman, of Ohio County, of Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 60. A Joint Resolution authorizing Charles Henderson, of Lexington, Fayette County, Kentucky, as parent, natural guardian and next friend for and on behalf of Patricia Ann Henderson, an infant under fourteen (14) years of age, to sue the Commonwealth of Kentucky and the Board of Education of the City of Lexington, Kentucky, or either.

S. B. No. 193. An Act relating to condemnation of property, including the right of ingress and egress to and from such property, for oil or gas pipe lines and facilities related thereto.

S. B. No. 196. An Act to amend and re-enact Section 427.130 of the Kentucky Revised Statutes, so as to include

provisions relating to procedure in the cast of attachments and garnishments served upon the Commonwealth.

S. B. No. 233. An Act relating to the powers of the Division of Forestry with respect to the leasing and renting of lands, and the selling of timber and other forest products.

S. B. No. 235. An Act defining safe burning periods during forest fire seasons.

S. B. No. 237. An Act relating to forest management on private and public lands.

S. B. No. 259. An Act changing the classification of the City of Mayfield in Graves County.

S. B. No. 173. An Act to regulate the practice of veterinary medicine, surgery, and dentistry in the Commonwealth of Kentucky.

S. B. No. 213. An Act relating to insurance; amending Section 298.030 of the Kentucky Revised Statutes to permit any company authorized by law to engage in the business of insurance, other than life insurance, in this state, to write all classes of business enumerated in said amended section.

S. B. No. 53. An Act relating to Disability Compensation and Medical Benefits for Policemen and Firemen in Cities of the Third and Fourth Classes.

S. B. No. 262. An Act relating to unemployment compensation.

S. B. No. 234. An Act relating to forest fire protection, forest fire detection, prevention and suppression.

S. B. No. 141. An Act providing for the operation of canteens at State Welfare Institutions.

S. B. No. 156. An Act to amend and re-enact KRS 296.250, relating to investments by domestic insurance companies.

Thereupon all other business was suspended, said bills and said resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker Pro Tem, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills and said resolutions be delivered to the Enrolling Clerk of the Senate.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 314. An Act relating to flood control and water usage; creating a new Division of the Department of Conservation and defining its powers and duties; and making an appropriation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) There is hereby created in the Department of Conservation a Board to be known as the Flood Control and Water Usage Board (hereinafter referred to in this Act as the Board). The Board shall be composed of nine members, who shall be appointed by the Governor, and not more than five of whom shall be of the same political party. One member shall be appointed from each of the nine Congressional Districts of the state.

(2) Upon the appointment of the first members, the Governor shall designate three members for terms of two years, three for three years, and three for four years; thereafter, except for appointments to fill unexpired terms, each appointment shall be for a term of four years. All terms shall be deemed to commence as of July 1. Appointments shall be made of persons who are qualified to represent the interest of the public in matters pertaining to flood control and municipal and industrial water usages.

(3) As advisors and consultants there shall be associated with the Board the Commissioner of Highways, the Commissioner of Health, the Director of the Division of Game and Fish and the President of the University of Kentucky, or their designated representatives. The Board shall have the authority to call upon as consultants and advisors any other persons whose qualifications and interests might be of assistance to the Board in problems relating to flood control and water usage.

(4) The members of the Board shall take the Constitutional Oath of office, and shall meet within thirty days after their appointment and designate a Chairman from among their members and may from time to time change such designation. A majority of the Board shall constitute a quorum. The Board shall hold at least four regular meetings per year and such additional meetings as may be required, and shall keep a record of its official actions. Members of the Board shall receive no compensation for their services, but shall be entitled to traveling expenses, including meals and lodging, necessarily incurred in discharging their duties.

(5) Administrative units and staffs to aid in the performance of the functions contemplated by this Act may be established upon authorization of the Governor in accordance with such detailed organization plan as may be determined by the Governor, under the provisions of KRS Chapter 12, 42 and 45.

Section 2. The Board shall:

(1) Undertake for and as the official body of the state, such studies and prepare such reports and recommendations as may be necessary to establish a state-wide program of flood control (including major drainage), and a state-wide program for the conservation of water for municipal and industrial usage.

(2) Study and review for the state as its official body, all survey reports, engineering reports, and other reports concerning or affecting projects within the state which are proposed for construction by the Federal Government, the State Government or any agency or subdivision thereof, or which will involve the expenditure of Federal or State funds,

and which might affect flood control or the usage of water resources of the state for municipal or industrial purposes, and to act as the official representative of the state in any representations, recommendations or requests to Congress or the General Assembly concerning such projects or the priority which should be accorded them with relation to the state-wide program.

(3) Have jurisdiction for flood control purposes over all streams within or bordering upon the state upon which any public funds have been or are hereafter expended for improvement, and shall have the authority to establish and enforce floodways along such streams. Notwithstanding any other provision of law, no person, and no city, county, or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction or improvement of any levee, dike, bridge, fill, embankment or other obstruction across or along any stream, unless the plans and specifications have been submitted to and approved in writing by the Board. No court may enter a final order establishing a levee district, drainage district, flood control system, or other organization to perform similar works, or approving or ordering the construction, reconstruction, relocation, improvement or enlargement of any project affecting flood control or the usage of water resources for municipal or industrial purposes within the state, or the condemnation of any land for such purposes, until there has been filed with such court a written approval of such project by the Board. However, nothing in this section is intended to give the Board any jurisdiction or control over the construction, reconstruction, improvement, relocation, enlargement, maintenance or operation of any drainage district, ditch or system established for agricultural purposes, or to require approval of the Board for the same.

(4) Make studies and investigations of the water resources of the state and the problems of agriculture, industry, conservation, health, stream pollution and allied matters as they relate to flood control and protection and development

of the water resources of the state for municipal and industrial usage.

(5) Cooperate with any local, state, or Federal agency, or the agencies of any other state engaged or proposing to engage in any work which will affect or be affected by the functions of the Board, and may lend to or receive from any such agency such assistance as may be necessary for the overall coordination of purposes and results to be accomplished, including such financial assistance as may be necessary within the limits of authorized expenditure.

(6) Report to the Governor through the Commissioner of Conservation not less often than once each year, and as often as may be required by the Governor or made desirable by circumstances, the results accomplished since its last report; its future program and plans; and the status of any work or plans in progress.

(7) Have authority to accept and use gifts, contributions, donations and grants, the same to be placed in a special trust or agency fund in the State Treasury in accordance with the provisions of KRS 41.290.

Section 3. Whenever the Governor shall declare that a state of flood emergency exists at any location within the State, and that flood control works, public or private property, or human life is threatened or impaired by reason thereof, the Board is authorized to take such action as it may consider necessary for the immediate protection or rescue of such property or life, whether by repair or reconstruction of flood control works, transportation or protection of persons or property, or by other means, and for such purpose the Board may use any funds which are available to it for the performance of any of its functions, or such funds as may be made available to it from any source for the purpose of such emergency work; provided, that this authority shall not extend to other than emergency work made necessary by reason of flood or high water or impending danger of impairment or destruction by reason thereof, and shall not include operation, maintenance or operation of flood control works or other action by the Board except in emergency.

Section 4. Any person, including municipalities, to whom the Board has denied a permit to perform any construction, reconstruction, relocation, improvement or enlargement of any project affecting flood control or the usage of water resources within the State, and who considers himself aggrieved thereby, may appeal the matter to the circuit court of the county in which the proposed project lies. The court shall hear the cause without a jury, and the burden of proof shall be on the proponent of the project. Any final order issued by such court in the matter shall be subject to appeal to the Court of Appeals, in the same manner as declaratory judgment suits.

Section 5. On its own initiative or when so directed by the Governor or the General Assembly, the Board shall make a preliminary survey and report of any project which involves or might involve expenditure of State funds or construction work by the State of Kentucky in the construction, reconstruction or maintenance of any flood control works or other works concerning or affecting the usage of water for municipal or industrial purposes. If the Board finds from such preliminary survey that the project is not favorable, no further action shall be taken on such project without specific instructions or authorization by the General Assembly. If the Board finds from such preliminary survey that such project is favorable on a basis of need, economic value or future development, it shall, upon its own initiative or upon direction by the Governor or the General Assembly, cause a comprehensive final survey and report to be prepared, and submit such report to the General Assembly for approval and authority to perform the necessary construction work. Except in cases of emergency, as defined in Section 3 of this Act, no funds appropriated for the purposes of this Act shall be expended in the construction, reconstruction or maintenance of any such project until and unless a comprehensive report of such project has been submitted to and approved by the General Assembly.

Section 6. To effectuate the provisions of the Act for the fiscal year beginning July 1, 1948, and ending June 30, 1949, and for the fiscal year beginning July 1, 1949, and end-

ing June 30, 1950, the sum of twenty-five thousand dollars (\$25,000) each year is hereby appropriated to the Board out of the General Expenditure Fund in the State Treasury.

Section 7. No other agency of the State having statutory functions, duties or powers pertaining to flood control and to the usage of water for municipal or industrial purposes may perform or exercise such functions, duties or powers except to such extent as may be delegated, directed or authorized by the Board. Provided, however, nothing herein contained is intended to, nor shall the same be construed as revising, amending, abrogating, restricting or diminishing the powers and duties that are now or hereafter conferred by law upon the Division of Soil and Water Resources, the Division of Game and Fish, or the Department of Health, of the Public Service Commission, or a drainage district or system heretofore or hereafter established under KRS Chapter 267 or 268.

Section 8. Section 146.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Conservation shall exercise all administrative functions of the state relating to:

(a) The operation and maintenance of parks and museums, except those allocated to the Department of Library and Archives;

(b) The conservation and protection of natural resources, except wildlife;

(c) Flood control for all purposes, and water usage for municipal and industrial purposes; and

(d) The publicizing of natural resources, agricultural, commercial and industrial development, and tourist attractions.

(2) The Department of Conservation may exercise the right of eminent domain as provided in KRS 148.060 and 148.070.

Section 9. Section 146.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Conservation shall be headed by a Commissioner of Conservation, who shall receive an annual salary of five thousand dollars.

(2) The Department shall be divided into a Division of Parks, a Division of Forestry, a Division of Publicity, a Division of Archaeology, and a Division of Soil and Water Resources. There shall be attached to and included within the department, the Flood Control and Water Usage Board.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. J. Holsclaw	H. M. Pewitt
Jason Alford	Richard R. Houpt	J. H. Polsgrove
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Sidney Baer	M. G. Howard	E. F. Prichard
Levi Baker	Ira W. Hulette	Hobart Rayburn
Bernhardt Bauer	Laban P. Jackson	Ottis Roberts
C. E. Baumgardner	Kerby Jennings	Lilburn S. Rogers
Fred Beshear	J. Ernest Jones	Amos Runyan
Isaac M. Blevins	L. H. Jones	Glenn Rushing
Chas. J. Bronston	Ercel Kozee	Dr. K. N. Salyer
Chas. W. Burnley	Harry K. Lowman	James J. Shannon
A. H. Calvert	W. E. McClure	Paul E. Shannon
Paul Carter	Ed Marcum	James S. Shaw
Earl W. Christian	E. H. Martin	John M. Spaulding
Everett T. Cooper	Archie R. Moore	Chas. L. Spillman
Perry M. Cross	Davis Moore	G. C. Thornton
Horace T. Cull	Walter Moorman	W. R. Tipton
G. I. Drury	Fred H. Morgan	J. B. Veech
Kermit Dwyer	E. C. Mullins	John C. Watts
Otto W. Goff	Thomas A. Noe, Jr.	Lynn Boyd Wells
N. M. Hamilton	Joe E. Nunn	Rodney Whitlow
James P. Hanratty	Harmon S. Overby	Geo. F. Williamson
E. R. Hilton	H. C. Patterson	Charles W. Wirsch

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 342. An Act creating the Kentucky Building Commission for the purpose of authorizing, approving and supervising the expenditure of State funds for certain State agencies and institutions, for purposes of capital outlay, and defining the powers and duties of such Commission.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created an independent Agency of the Commonwealth of Kentucky under Chapter 12 of the Kentucky Revised Statutes, which shall be known as the Kentucky Building Commission and which shall be composed of the Governor, who shall be Chairman thereof, the Lieutenant Governor, the Attorney General, the Commissioner of Finance and the Commissioner of Revenue.

Section 2. Such Commission is authorized, empowered and directed to determine the comparative need and demand for acquiring lands, the construction or reconstruction of buildings, the installation of utility services, including roads and sewers, the purchase and installation of equipment, facilities and furnishings for the buildings so constructed or reconstructed, or for existing buildings, which equipment, facilities and furnishings are to be of a permanent nature. After the Kentucky Building Commission has determined the need and demand for any one or all of the purposes herein set forth

for any agency or institution hereinafter referred to, it is authorized and empowered to provide for and adopt such plans and specifications as may be necessary, to advertise for and receive bids for any expenditures proposed to be made, to award contracts for the purpose herein authorized, to supervise construction and make such changes or revisions in plans and specifications, or in construction, as may become necessary, and generally to do any and all other things as may become necessary or expedient in order to effectively fulfill and carry out the purpose for which it is created, including the right to employ such clerks, engineers, statisticians, architects or other persons required to be employed in order to fulfill the objective of its creation and further to adopt such rules and regulations as may be expedient and which are not in conflict with its general purposes. The advertisement for bids and the receipt thereof and the awarding of contracts thereon shall be in accordance with Chapters 12, 42 and 45 of the KRS. Warrants for such expenditures shall be issued by the Commissioner of Finance on the State Treasury upon an order of the Commission.

Section 3. The appropriation hereinafter made and referred to, and designated as capital outlay, shall in addition to other purposes hereinafter enumerated, be expended by and under the direction of such Commission for the following uses and purposes:

For acquiring lands, the construction of buildings, the reconstruction of buildings, the installation of utility services, including roads and sewers, the purchase and installation of equipment, facilities and furnishings for the buildings so constructed or reconstructed, or for existing buildings, which equipment, facilities and furnishings are of a permanent nature for any one or all the following institutions and agencies, to wit: Western State Hospital, Eastern State Hospital, Central State Hospital, Kentucky Training Home, Kentucky State Hospital, Kentucky Children's Home, the six Tuberculosis Sanatoria, Houses of Reform, Reformatory, Penitentiary, Women's Prison, for matching funds for hospital construction under any law now existing or that may be passed by the National Congress, University of Kentucky,

Western State Teachers College, Eastern State Teachers College, Morehead State Teachers College, Murray State Teachers College, Kentucky State College, Lincoln Institute, State-owned vocational schools, Kentucky School for the Blind (White and Colored), Kentucky School for the Deaf (White and Colored), Judiciary Building, Kentucky Historical Society, Aeronautics Commission, Division of State Parks, National Parks, Department of Education, Unemployment Compensation Commission, and for any other State Department, Agency or Institution.

Section 4. The Engineering and Construction division of the Department of Welfare, which was created and placed under the direction of the Department of Welfare by Executive-Administrative order of the Governor of the Commonwealth on October 6, 1944, be and the same is hereby transferred to and placed under the supervision, control and direction of the Kentucky Building Commission. All personnel, property, equipment and facilities of the Division of Engineering, including its books, records, studies, plans and specifications, shall, upon the effective date of this Act, be transferred to and be under the supervision and control of the Kentucky Building Commission. The Kentucky Building Commission shall appoint a qualified Chief Engineer of its Division of Engineering, who shall serve as Executive Secretary to the Commission, and who shall possess such powers and perform such duties as may be delegated to him from time to time by the Commission. The Division of Engineering shall, at the direction and request of the Commission, prepare such plans and specifications as may be necessary, investigate and make studies of the comparative need and demand for acquiring any lands, or for the construction or reconstruction of any buildings, or for the purchase, installation or construction of any equipment, facilities or furnishings incidental or pertaining thereto, shall make such estimates of cost as may be required in connection with or incidental to the development, purchase, acquisition or construction of the foregoing, and in general shall give such technical or other assistance to the Commission and perform such other duties as may be required, informa-

tive or helpful in carrying out the purposes for which the Commission is created.

Section 5. The appropriation made out of the surplus cash balance to the credit of the General Expenditure Fund as of June 30, 1948, to the Kentucky Building Commission, as referred to in Part 3 of House Bill No. 5, enacted at the regular session of the 1948 General Assembly, be and the same is hereby transferred to the credit of, and shall be considered as an appropriation to, the Kentucky Building Commission herein created; said appropriation being for the fiscal year beginning July 1, 1948, and ending June 30, 1949, provided any unexpended or unencumbered balance remaining at the end of the fiscal year of 1948-1949 shall not lapse to the General Expenditure Fund, but may be encumbered and expended by said Commission in the fiscal year of 1949-1950. The entire sum of ten million dollars (\$10,000,000) shall be expended solely and only as capital outlay for the purposes referred to in this Act, provided that such Commission may expend a portion of said fund equivalent to 2 per cent thereof for administrative and ordinary recurring expenses of operation of said Commission, and, further, it is provided that not more than 1 per cent of the principal amount of said fund shall be so expended in any fiscal year; it being the purpose and intent of the General Assembly to appropriate out of the ten million dollar (\$10,000,000) fund and designated for capital outlay, the sum of one hundred thousand dollars (\$100,000) for the fiscal year ending June 30, 1949, and one hundred thousand dollars (\$100,000) for the fiscal year ending June 30, 1950, for administrative and ordinary recurring expenses of operation of such Commission.

Section 6. All appropriations made at the regular 1948 session of the General Assembly to the Division of Engineering of the Department of Welfare for the fiscal years 1948-1949 and 1949-1950 are hereby transferred to the credit of and shall be considered as an appropriation to the Kentucky Building Commission for purposes of administration and for ordinary recurring expenses of operation.

7. No member of the Commission shall receive any salary, fee or other remuneration for his services as member of such Commission, but shall be entitled to be reimbursed for his ordinary traveling expenses, including meals and lodging, which may be incurred in the performance of his duties as member of such Commission.

7. No work shall be commenced and no contract shall be entered into by any department, agency or institution of the State Government for any of the purposes specified and enumerated in this Act, where the expenditure involved is for a purpose of a permanent nature and involves an expenditure of more than ten thousand dollars (\$10,000) from the State Treasury under an appropriation made by the General Assembly or from the issuance of revenue bonds unless and until the plans and specifications, estimates of cost, and the bids received therefor, covering the entire work contemplated, together with the proposed contracts in connection therewith, have been submitted to the Kentucky Building Commission, and the execution of the contracts or the undertaking of the work has been approved and authorized by such Commission. The Commission shall not so approve, nor authorize any such contract, nor the undertaking of such work for the purposes specified in this Act in any instance where it finds that the cost of completing the work contemplated will exceed the amount of the appropriation therefor, or that the work contemplated will be insufficient for the purposes for which the appropriations were made or that after providing for the ordinary recurring expenses of Government and for debt service and for payments under existing allotments for extraordinary expenses and capital outlay, cash will not be available in the State Treasury to promptly pay for such work during the biennium.

Section 8. In addition to all of the other powers, duties and obligations herein vested in the Kentucky Building Commission, said Commission shall possess, and is hereby vested with, the following powers and duties:

(1) It is hereby authorized to purchase, lease or rent such real estate, including improvements thereon, together

with fixtures and appliances, as it may find to be necessary for use by the Commonwealth or any department, institution or agency thereof, upon such terms and conditions and for such consideration as may appear to the Commission to be fair and reasonable.

(2) No real estate having a value in excess of ten thousand dollars (\$10,000) shall be sold by any department, agency or institution of the Commonwealth until prior written approval of the Commission is obtained.

(3) In carrying out the purposes of this Act, and in providing for the expenditure of funds for any of the purposes set forth and enumerated in Section 2 hereof, the Commission may specify that in order to defray the expense for any one or all of such purposes, the cost may be paid in whole or in part, as may be determined by agreement between the Commission and any such department, agency or institution (a) out of the funds herein appropriated and designated as capital outlay, or (b) out of funds directly appropriated to such department, agency or institution which may be legally available for said purposes, or (c) out of funds derived, or which may be derived, by the issuance and sale of revenue bonds by the Commission, or with the approval of the Commission, by the issuance and sale of revenue bonds by such department, agency or institution in the manner now provided by law, or (d) by any one or a combination of said methods of financing.

In any case where expenditures for the purposes specified in section 2 hereof are to be financed in whole or in part by the issuance and sale of revenue bonds, the Commission in its discretion may provide that the title to any real estate which may be so acquired shall not vest in the Commonwealth until the revenue bonds, together with interest thereon, shall have been paid in full. In such cases the Commission may, by agreement or in a trust indenture securing the payment of such revenue bonds, provide that the title to such real estate may be vested in some other department, institution or agency of the Commonwealth, or in a trustee named in any such indenture, until such revenue bonds, together with the interest thereon, shall have been paid in full.

(4) The Commission, in providing for the expenditure of funds for any of the purposes named in Section 2 hereof, or for the issuance and sale of revenue bonds, shall have full power and authority to provide by agreement with the department, agency or institution affected, or by provision in the trust indenture securing the revenue bonds, such terms and conditions as may be considered appropriate and reasonable so as to permit the leasing to, and use by, any department, institution or agency which provides funds (a) either from its own appropriation made by the General Assembly, or (b) by the issuance of revenue bonds, or (c) which proposes to pay a rental for the use of all or any part of any building or other structure proposed to be constructed. The Commission, in making any such lease agreement, or in making provision in any trust indenture securing revenue bonds, all as above set forth, is authorized and empowered to lease all or any part of a building so constructed for such term or terms and upon such conditions and for such consideration as may appear to be in the public interest.

(5) When the Commission determines that any property is necessary for use by the Commonwealth of Kentucky or any department, institution or agency thereof, and the Commission is unable to agree with the owner or owners thereof on a price for such property, it may acquire the same by the exercise of the powers of eminent domain in the manner provided by Chapter 416 Kentucky Revised Statutes.

(6) The Commission may lease any real estate or any building, or any part of a building, now owned or hereafter acquired by the Commonwealth to any person, firm or corporation, not a department, institution or agency of the State, when it finds as a matter of fact that neither said real estate nor any building or part thereof is needed for State purposes. Any such lease or rental agreement shall be upon such terms and conditions and for such consideration as the Commission may prescribe and the same shall be made in the name of the Commonwealth of Kentucky, and shall be signed by the Chairman of the Commission and lodged for record in the office of the Secretary of State.

(7) The Commission is authorized and empowered to issue and sell revenue bonds in such denominations and in such amount or amounts as may be deemed by the Commission to be for the best interest of the Commonwealth for any of the following purposes:

(a) To acquire real estate.

(b) To construct any building or other improvement authorized by Section 2 of this Act.

(c) To pay all or any part of the expenses or cost incidental to such purchase, building or construction, and

(d) To defray the cost of plans, specifications, blueprints, architectural fees and other expenses authorized to be incurred under the terms of this Act.

Any revenue bonds so issued shall bear interest at a rate not exceeding 5 per cent per annum, payable semi-annually, and shall become due and payable not more than forty years from the date of issuance. The payment of said bonds, together with the interest thereon, may be secured by a pledge and a first lien on all of the receipts and revenues derived, or to be derived, from the rental or operation of said properties. Neither the payment of any bond, nor the interest thereon issued under the authority of this Act, shall constitute an indebtedness of the Commonwealth of Kentucky, nor shall any bond or interest thereon be payable out of any fund except such funds as may be derived from rentals or other revenues derived from the operation of the properties or from such revenues as may have been, or may be, available for such purpose, or purposes, by law.

All bonds which may be issued under the provisions of this Act shall be sold to the highest and best bidder after having been duly advertised in a newspaper, or newspapers, of general circulation in the Commonwealth for at least once a week for three consecutive weeks, and by such advertising as the Commission may prescribe if it finds additional advertising is necessary.

All competitive bids for the sale of such revenue bonds shall be opened and read publicly by the Commission or its representative at a designated place, day and hour, all of

which shall be announced in the advertising made relative thereto.

Except as otherwise specifically provided in this Act, the Commission is vested with all of the rights, powers and duties set forth and enumerated under Chapter 58 of the Kentucky Revised Statutes.

In the event the Commission issues and sells revenue bonds as authorized in this Act, it may carry such insurance, including fire and windstorm, casualty, catastrophe, use and occupancy and such other insurance as the Commission may deem advisable in connection with the construction of any of the improvements enumerated in Section 2 hereof, and may so obligate and bind itself in a trust indenture securing the payment of such bonds. Any such insurance shall be paid for out of the fund available for the construction of any such improvement.

All money from the sale of revenue bonds shall be covered in the State Treasury and shall be credited to a special fund to be designated as directed by the Commission, and no part thereof shall be withdrawn from the State Treasury except for the purposes specified in Section 2 hereof, together with the cost incidental to the issuing and selling of such bonds and other expense directly related thereto. The Commission may likewise provide in any trust indenture securing said revenue bonds for additional terms and conditions thereof, or for other restrictions not in conflict with this Act.

The authority herein conferred upon the Commission to issue and sell revenue bonds is intended to, and shall be construed as, a method for the issue and sale of bonds in addition to the right, power and authority which any other department, institution or agency of the Commonwealth may now possess under existing law; the right, power and authority now vested in any such department, institution or agency of the Commonwealth to issue and sell revenue bonds for the purposes specified in this Act, or any other Act, shall remain in full force and effect.

Section 9. The Commission in its discretion is authorized to abandon, or cause to be abandoned, the construction

of any building or other improvement which has heretofore been commenced, and to revise, or cause to be revised, the plans and specifications for any such building, or the construction of any such improvements, or to change, modify or restrict the right of any such department, institution or agency to occupy any such building, or to wholly abandon any one or more of such construction projects, as the Commission may determine to be in the best interests of the Commonwealth, in order that suitable office space and facilities can be provided for all agencies of the State Government in the most economical manner and in accordance with sound business principles. In the event the Commission determines to abandon, or cause to be abandoned, the construction of any building, or to change the purposes for which such building or buildings are being constructed, or for which contracts have been entered into, or were commenced, by the Commonwealth or any agency therefor, the Commission is authorized to make such equitable adjustment or settlement with the architects, engineers and contractors employed in connection with such construction as it may deem just and equitable. In the event there is an adjustment or settlement with said architects, engineers or contractors, the Commission is authorized to pay the same, or to approve the payment thereof, from any of the funds set forth in sub-section 3 of Section 8 hereof.

Section 10. Nothing in this Act shall be construed to apply to:

(a) The construction of roads or bridges or to the acquisition of rights of way or real estate in connection therewith now under the jurisdiction of the Department of Highways, or for any other expenditure made from the State Road Fund.

(b) Nothing in this Act shall be construed to apply to any graded school districts or independent school districts, or to affect the rights, powers and duties of the governing authorities of such districts.

Section 11. All Acts and parts of Acts in conflict herewith, to the extent of such conflict, are hereby repealed.

Section 12. Whereas, various departments and agencies of this Commonwealth are in urgent need of office space and of additional real estate, and

Whereas, the construction of two or more office buildings has been commenced, and

Whereas, the construction of one of the said buildings has been stopped because of lack of funds and for other reasons, and

Whereas, the powers and duties provided by this Act should be made effective immediately to avoid waste and confusion and to provide for the best interests of the Commonwealth, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Everett T. Cooper	Ira W. Hulette
Jason Alford	Perry M. Cross	Kerby Jennings
Roy W. Arnold	Horace T. Cull	J. Ernest Jones
Earl F. Ashcraft	B. G. Davidson	L. H. Jones
Sidney Baer	Owen Deering	Ercel Kozee
Bernhardt Bauer	Kermit Dwyer	Harry K. Lowman
C. E. Baumgardner	Otto W. Goff	W. E. McClure
Fred Beshear	N. M. Hamilton	Ed Marcum
Isaac M. Blevins	C. J. Holsclaw	F. G. Marquette
Chas. J. Bronston	Richard R. Houpt	E. H. Martin
Chas. W. Burnley	Clyde S. Howard	C. D. Moberly
Paul Carter	D. W. Howard	Archie R. Moore
Earl W. Christian	M. G. Howard	Davis Moore
George I. Cline	R. N. Hubbard	Walter Moorman

Fred H. Morgan	F. L. Robinson	Chas. L. Spillman
E. C. Mullins	Lilburn S. Rogers	G. C. Thornton
Thomas A. Noe, Jr.	Amos Runyan	W. R. Tipton
Joe E. Nunn	Glenn Rushing	John C. Watts
Harmon S. Overby	Dr. K. N. Salyer	Morris Weintraub
H. M. Pewitt	James J. Shannon	Lynn Boyd Wells
L. W. Preston	Paul E. Shannon	Rodney Whitlow
E. F. Prichard	James S. Shaw	Geo. F. Williamson
Hobart Rayburn	John M. Spaulding	Charles W. Wirsch
Ottis Roberts		—70

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 153. An Act to amend Section 246 of the Constitution of the Commonwealth of Kentucky, prescribing maximum salary limits for all public officers.

With Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Upon the concurrence of three-fifths of the members elected to each house of the General Assembly of the Commonwealth of Kentucky, the yeas and nays being taken thereon and entered in full upon their respective journals, Section 246 of the Constitution of the Commonwealth of Kentucky be, and the same is, amended and revised so that when amended and revised it shall read as follows:

No public officer, except the Governor, shall receive as compensation per annum for official services, exclusive of the compensation of legally authorized deputies and assistants which shall be fixed and provided for by law, but inclusive of allowance for living expenses, if any, as may be fixed and provided for by law, any amount in excess of the following sums: Officers whose jurisdiction or duties are co-extensive with the Commonwealth, and Judges and Commissioners of the Court of Appeals, Twelve Thousand Dollars (\$12,000); Circuit Judges, Eight Thousand Four Hundred Dollars (\$8,400); all other public officers, Seven Thousand Two Hundred Dollars (\$7,200). Compensation within the limits of this amendment may be authorized by the General Assembly to be paid, but not retroactively, to public officers in office at the time of its adoption, or who are elected at the election at which this amendment is adopted. Nothing in this amendment shall permit any officer to receive, for the year 1949, any compensation in excess of the limit in force prior to the adoption of this amendment.

§ 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the next general election for Members of the House of Representatives as provided by Sections 256 and 257 of the Constitution of Kentucky, and Section 118.430 of the Kentucky Revised Statutes.

Said Committee amendment to said bill is as follows, viz.:

Amend Senate Bill No. 153, in the House, by inserting, after the word "Commonwealth," in line 13, of Section 1, on page 2, the words: "the mayor of any city of the first class,".

Said Committee amendment to said bill was agreed to.

Mr. Preston offered the following amendment to said bill, viz.:

Amend printed copy of Senate Bill No. 153, on page 1, section 1, line 7:

Insert after "officer" and before the comma the words: "or employee".

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage af said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. J. Holsclaw	H. M. Pewitt
Jason Alford	Richard R. Houpt	J. H. Polsgrove
Sidney Baer	Clyde S. Howard	L. W. Preston
Levi Baker	D. W. Howard	E. F. Prichard
Bernhardt Bauer	M. G. Howard	Ottis Roberts
C. E. Baumgardner	R. N. Hubbard	Lilburn S. Rogers
Fred Beshear	Ira W. Hulette	Glenn Rushing
Chas. J. Bronston	Laban P. Jackson	Dr. K. N. Salyer
Mrs. Mary Burnett	Kerby Jennings	James J. Shannon
Chas. W. Burnley	Paul S. Jonas	Paul E. Shannon
A. H. Calvert	J. Ernest Jones	James S. Shaw
Earl W. Christian	Ercel Kozee	John M. Spaulding
George I. Cline	W. E. McClure	Chas. L. Spillman
Robert Collins	Ed Marcum	John M. Stumbo
Everett T. Cooper	F. G. Marquette	G. C. Thornton
Horace T. Cull	E. H. Martin	W. R. Tipton
B. G. Davidson	C. D. Moberly	Wilford S. Travis
Owen Deering	Archie R. Moore	J. B. Veech
G. I. Drury	Davis Moore	John C. Watts
Kermit Dwyer	Walter Moorman	Lawrence Watts
Otto W. Goff	E. C. Mullins	Morris Weintraub
N. M. Hamilton	Thomas A. Noe, Jr.	Lynn Boyd Wells
Dennis Henderson	Joe E. Nunn	Rodney Whitlow
Carson Hibbitts	Harmon S. Overby	Geo. F. Williamson
E. R. Hilton	H. C. Patterson	Charles W. Wirsch

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 115. An Act to amend Section 186 of the Constitution of the Commonwealth of Kentucky relating to distribution of public school funds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186 of the Constitution of the Commonwealth of Kentucky is amended by repealing said section in its entirety and enacting in lieu thereof the following:

All funds accruing to the school fund shall be used for the maintenance of the public schools of the Commonwealth, and for no other purpose, and the General Assembly shall by general law prescribe the manner of the distribution and use of the public school fund for public school purposes. Provided that each school district in the Commonwealth shall receive on a census pupil basis its proportionate part of at least seventy-five per cent of any fund accruing to the school fund. The remainder of any fund accruing to the school fund may be distributed upon other than a census pupil basis.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.170 and 118.430.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Dennis Henderson	Harmon S. Overby
Jason Alford	Carson Hibbitts	H. C. Patterson
Roy W. Arnold	E. R. Hilton	H. M. Pewitt
Earl F. Ashcraft	C. J. Holsclaw	L. W. Preston
Sidney Baer	Richard R. Houpt	E. F. Prichard
Levi Baker	Clyde S. Howard	Hobart Rayburn
Bernhardt Bauer	D. W. Howard	Ottis Roberts
C. E. Baumgardner	R. N. Hubbard	Lilburn S. Rogers
Fred Beshear	Ira W. Hulette	Amos Runyan
Isaac M. Blevins	Laban P. Jackson	Dr. K. N. Salyer
Chas. J. Bronston	Kerby Jennings	LeRoy Saylor
Mrs. Mary Burnett	Paul S. Jonas	James J. Shannon
Chas. W. Burnley	J. Ernest Jones	Paul E. Shannon
A. H. Calvert	L. H. Jones	James S. Shaw
Paul Carter	Ercel Kozee	John M. Spaulding
Earl W. Christian	W. E. McClure	Chas. L. Spillman
George I. Cline	Ed Marcum	John M. Stumbo
Robert Collins	F. G. Marquette	Albert Thomason
Everett T. Cooper	E. H. Martin	G. C. Thornton
Horace T. Cull	C. D. Moberly	W. R. Tipton
B. G. Davidson	Archie R. Moore	J. B. Veech
Owen Deering	Walter Moorman	John C. Watts
G. I. Drury	Fred H. Morgan	Lawrence Watts
Kermit Dwyer	E. C. Mullins	Lynn Boyd Wells
Otto W. Goff	Stanley Murphy	Rodney Whitlow
N. M. Hamilton	Thomas A. Noe, Jr.	Geo. F. Williamson
James P. Hanratty	Joe E. Nunn	—80

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 105. An Act relating to research in the fields of medicine and surgery; creating a Medical Research Commission with authority to provide for a research program; and making appropriations for the purpose.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. There is hereby created a Medical Research Commission to be composed of five members. The Commissioner of Health shall be ex officio a member and secretary of the commission. The other four member sshall be appointed by the Governor. Three of the appointed members shall be physicians licensed to practice in this state, who shall be appointed by the Governor from a list of three names for each of the three positions submitted by the Kentucky State Medical Association. The other appointed member shall be a layman who has evinced an interest in the improvement of medical services in Kentucky. Each of the appointed members shall serve for a term of four years and until his successor is appointed and has qualified. Appointments of successors and appointments to fill vacancies shall be made from lists as in the case of original appointments. The members shall annually select fro mtheir own number a chairman, who shall serve for a term of one year. The members shall serve without compensation but shall be reimbursed for their actual and necessary traveling expenses, out of sums appropriated to the commission.

2. The Medical Research Commission shall have authority to provide for a program of research in the fields of medicine, surgery, and allied sciences, including technical and scientific developments in those fields, preventive medicine, control of diseases, educational methods (including demonstrations and practical applications of theories of educaiton), and all other features of medicine and surgery that affect the health and welfare of the people of this Commonwealth. The program may be provided for by contract with any recognized and accredited school of medicine or surgery, or research foundation, that is equipped or may be equipped to furnish

research facilities. Such a contract may provide for the payment of an agreed sum to the school or foundation each fiscal year, in return for which the school or foundation shall engage in research activities of a character and scope defined in the contract, and shall make available to the commission the results of its research in the form of reports or otherwise as may be to the best interest of the public. The commission shall provide for the publication and distribution of the results of its research program in such manner as will create the greatest benefit. The Commission shall have no authority to incur any obligation in excess of the sums that have been appropriated to it.

3. For the purpose of this Act, there is hereby appropriated to the Medical Research Commission, out of the General Expenditure Fund in the State Treasury, the sum of \$125,000 per year for each of the fiscal years 1948-1949 and 1949-1950.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	A. H. Calvert	N. M. Hamilton
Jason Alford	Paul Carter	James P. Hanratty
Roy W. Arnold	Earl W. Christian	Dennis Henderson
Earl F. Ashcraft	George I. Cline	Carson Hibbits
Sidney Baer	Robert Collins	E. R. Hilton
Levi Baker	Everett T. Cooper	C. J. Holsclaw
Bernhardt Bauer	Perry M. Cross	Richard R. Houpt
C. E. Baumgardner	Horace T. Cull	Clyde S. Howard
Fred Beshear	B. G. Davidson	D. W. Howard
Isaac M. Blevins	Owen Deering	M. G. Howard
Chas. J. Bronston	G. I. Drury	R. N. Hubbard
Chas. W. Burnley	Otto W. Goff	Ira W. Hulette

Laban P. Jackson	Thomas A. Noe, Jr.	Paul E. Shannon
Kerby Jennings	Joe E. Nunn	James S. Shaw
Paul S. Jonas	Harmon S. Overby	John M. Sapulding
J. Ernest Jones	H. C. Patterson	Chas. L. Spillman
L. H. Jones	H. M. Pewitt	John M. Stumbo
Ercel Koze	J. H. Polsgrove	Albert Thomason
W. E. McClure	L. W. Preston	G. C. Thornton
Ed Marcum	E. F. Prichard	W. R. Tipton
F. G. Marquette	Hobart Rayburn	Wilford S. Travis
E. H. Martin	Ottis Roberts	J. B. Veech
C. D. Moberly	F. L. Robinson	John C. Watts
Archie R. Moore	Lilburn S. Rogers	Lawrence Watts
Davis Moore	Amos Runyan	Morris Weintraub
Walter Moorman	Glenn Rushing	Lynn Boyd Wells
Fred H. Morgan	Dr. K. N. Salyer	Rodney Whitlow
E. C. Mullins	LeRoy Saylor	Geo. F. Williamson
Stanley Murphy	James J. Shannon	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 257. An Act requiring the marking of center lines on black-top roads within the state primary road system.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

It shall be the duty of the Department of Highways, through its district engineers and other personnel, in the construction and maintenance of all black-top roads within the state primary road system, to provide and maintain a clearly marked, white line along the center line of each of such black-top roads, throughout the entire length thereof.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	J. H. Polsgrove
Jason Alford	C. J. Holsclaw	L. W. Preston
Roy W. Arnold	Richard R. Houpt	E. F. Prichard
Earl F. Ashcraft	Clyde S. Howard	Hobart Rayburn
Sidney Baer	D. W. Howard	Ottis Roberts
Levi Baker	M. G. Howard	F. L. Robinson
Bernhardt Bauer	R. N. Hubbard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	LeRoy Saylor
Chas. J. Bronston	Paul S. Jonas	James J. Shannon
Mrs. Mary Burnett	J. Ernest Jones	Paul E. Shannon
Chas. W. Burnley	L. H. Jones	James S. Shaw
A. H. Calvert	Ercel Kozee	Jesse H. Shelton
Paul Carter	W. E. McClure	John M. Sapulding
Earl W. Christian	Ed Marcum	Chas. L. Spillman
George I. Cline	F. G. Marquette	Geo. W. Steinfeld
Robert Collins	E. H. Martin	John M. Stumbo
Everett T. Cooper	C. D. Moberly	Albert Thomason
Perry M. Cross	Archie R. Moore	G. C. Thornton
Horace T. Cull	Davis Moore	W. R. Tipton
B. G. Davidson	Walter Moorman	Wilford S. Travis
Owen Deering	Fred H. Morgan	J. B. Veech
G. I. Drury	E. C. Mullins	John C. Watts
Kermit Dwyer	Stanley Murphy	Lawrence Watts
Otto W. Goff	Thomas A. Noe, Jr.	Morris Weintraub
N. M. Hamilton	Joe E. Nunn	Lynn Boyd Wells
James P. Hanratty	Harmon S. Overby	Rodney Whitlow
Dennis Henderson	H. C. Paterson	Geo. F. Williamson
Carson Hibbitts	H. M. Pewitt	Charles W. Wirsch

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Burley moved that the rules be suspended and the vote by which the clincher motion was applied to a bill of the following title, viz.:

H. B. No. 171. An Act amending Section 402.080, Kentucky Revised Statutes, relating to marriage licenses.

Be reconsidered.

Said motion was agreed to by a majority of the members elected.

Thereafter such reconsideration.

Mr. Burnley moved that the vote by which said bill was rejected as amended be reconsidered.

The yeas and nays being required thereon by Mr. Preston and Mr. Maurice G. Howard were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Robert Collins	Ercel Kozee
Jason Alford	Perry M. Cross	Ed Marcum
Roy W. Arnold	Horace T. Cull	F. G. Marquette
Sidney Baer	Owen Deering	E. H. Martin
Levi Baker	Otto W. Goff	C. D. Moberly
C. E. Baumgardner	N. M. Hamilton	Archie R. Moore
Fred Beshear	Dennis Henderson	Davis Moore
Isaac M. Blevins	E. R. Hilton	Walter Moorman
Chas. J. Bronston	C. J. Holsclaw	Fred H. Morgan
Mrs. Mary Burnett	Richard R. Houpt	E. C. Mullins
Chas. W. Burnley	D. W. Howard	Thomas A. Noe, Jr.
Paul Carter	R. N. Hubbard	H. C. Patterson
Earl W. Christian	Laban P. Jackson	H. M. Pewitt
George I. Cline	J. Ernest Jones	J. H. Polsgrove

E. F. Prichard	Jesse H. Shelton	J. B. Veech
F. L. Robinson	John M. Sapulding	John C. Watts
Amos Runyan	Chas. L. Spillman	Lawrence Watts
Glenn Rushing	Albert Thomason	Morris Weintraub
Dr. K. N. Salyer	G. C. Thornton	Rodney Whitlow
LeRoy Saylor	W. R. Tipton	Geo. F. Williamson
James J. Shannon	Wilford S. Travis	Charles W. Wirsch

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Those who voted in the negative were—

G. I. Drury	L. W. Preston	Lilburn S. Rogers
Ira W. Hulette	Hobart Rayburn	
W. E. McClure	Ottis Roberts	

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Thereupon said motion was agreed to by a majority of the members elected.

Thereafter such reconsideration.

(For bill see H. J. of February 27, 1948, ante.)

(For amendment to said bill as proposed and adopted by the Senate, and concurred in by this House, see H. J. of March 18, 1948, ante.)

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Earl W. Christian	Carson Hibbitts
Jason Alford	George I. Cline	E. R. Hilton
Roy W. Arnold	Robert Collins	C. J. Holsclaw
Sidney Baer	Everett T. Cooper	Richard R. Houpt
Levi Baker	Perry M. Cross	D. W. Howard
Bernhardt Bauer	Horace T. Cull	R. N. Hubbard
C. E. Baumgardner	B. G. Davidson	Ira W. Hulette
Fred Beshear	Owen Deering	Laban P. Jackson
Isaac M. Blevins	Otto W. Goff	Kerby Jennings
Chas. J. Bronston	N. M. Hamilton	Paul S. Jonas
Mrs. Mary Burnett	Dennis Henderson	J. Ernest Jones

Ercel Kozee	J. H. Polsgrove	Chas. L. Spillman
Harry K. Lowman	E. F. Prichard	G. C. Thornton
Ed Marcum	Ottis Roberts	W. R. Tipton
F. G. Marquette	F. L. Robinson	Wilford S. Travis
E. H. Martin	Amos Runyan	J. B. Veech
C. D. Moberly	Glenn Rushing	John C. Watts
Archie R. Moore	LeRoy Saylor	Lawrence Watts
Davis Moore	Dr. K. N. Salyer	Morris Weintraub
Walter Moorman	James J. Shannon	Rodney Whitlow
E. C. Mullins	Paul E. Shannon	Geo. F. Williamson
Thomas A. Noe, Jr.	Jesse H. Shelton	Charles W. Wirsch
H. C. Patterson	John M. Spaulding	Mr. Speaker

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Those who voted in the negative were—

A. H. Calvert	M. G. Howard	L. W. Preston
Paul Carter	W. E. McClure	Hobart Rayburn
G. I. Drury	Fred H. Morgan	Lilburn S. Rogers
Kermit Dwyer	Joe E. Nunn	James S. Shaw
Henry C. Hale	Harmon S. Overby	John M. Stumbo
James P. Hanratty		

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Mr. Burnley moved that the Houe do now concur in the amendment to the title of said bill as proposed and adopted by the Senate.

(For amendment to the title of said bill as proposed and adopted by the Senate see H. J. of March 18, 1948, ante.)

Said motion was agreed to.

And thereupon said amendment to the title of said bill was concurred in.

Resolved that the title thereof be as amended.

Mr. Burnley moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Jennings moved that the rules be suspended and little Miss Mary Primrose Hanrahan be made an Honorary Page for the day.

Said motion was unanimously agreed to.

Mr. Weintraub moved that the rules be suspended and the privilege of the floor extended to Miss Lottie Riheter, Mrs. Thomas P. Fitzpatrick, Mrs. Charlotte Riheter and Mrs. Helen Leist.

Said motion was unanimously agreed to.

Mr. Alford moved that the rules be suspended and the vote by which the clincher motion was applied to a bill of the following title, viz.:

S. B. No. 54. An Act amending and re-enacting Sections 116.180 and 116.190 of the Kentucky Revised Statutes, relating to the number of voters in election precincts.

be reconsidered.

Said motion was agreed to by a majority of the members elected.

Thereafter such reconsideration.

Mr. John C. Watts moved that the vote by which said bill was rejected be reconsidered.

Said motion was agreed to by a majority of the members elected.

Thereafter such reconsideration.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 116.180 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

Each county shall be divided into election precincts. The county court shall make the division, and shall establish the name or number and the boundaries of the precincts. Each precinct shall contain, as nearly as practicable, an equal number of voters, based on the number of votes cast at the last election for presidential electors. In case more than three hundred and fifty votes were cast in a particular precinct at the last presidential election, then the county court may, in its discretion, if it is by the court deemed advisable for the best interests of the public generally, redistrict the precincts as equally as possible, but no precinct shall contain more than five hundred and fifty votes.

This section is not intended to affect Section 125.180 of the Kentucky Revised Statutes, relating to precincts wherein voting machines are used or may be used.

2. Section 116.190 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

Whenever the public convenience or the public good requires it, the county court of any county may change the boundaries of any election precinct in the county, or divide any precinct into two or more precincts, or consolidate two or more precincts into one, but no change, division or consolidation shall be made after the June term of the court next preceding an election. No change, division or consolidation shall be valid unless due notice is given, at least one month before any election, by one publication in the newspaper published in the county that has the largest circulation therein, or by posters put up in four of the most public places in the precinct.

3. Whereas, in order to make the necessary changes in the election precincts contemplated by this Act, in time for the 1948 elections, it is essential that this Act become effective at an early date, an emergency is hereby declared to exist and this Act shall become effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Henry C. Hale	E. F. Prichard
Jason Alford	N. M. Hamilton	Hobart Rayburn
Earl F. Ashcraft	James P. Hanratty	Ottis Roberts
Sidney Baer	Dennis Henderson	F. L. Robinson
Levi Baker	Carson Hibbitts	Lilburn S. Rogers
C. E. Baumgardner	C. J. Holsclaw	Amos Runyan
Fred Beshear	Richard R. Houpt	Glenn Rushing
Isaac M. Blevins	Clyde S. Howard	Dr. K. N. Salyer
Chas. J. Bronston	D. W. Howard	Paul E. Shannon
Mrs. Mary Burnett	R. N. Hubbard	James S. Shaw
Chas. W. Burnley	Ira W. Hulette	John M. Spaulding
A. H. Calvert	Paul S. Jonas	Chas. L. Spillman
Paul Carter	L. H. Jones	Geo. W. Steinfeld
Earl W. Christian	Ercel Kozee	John M. Stumbo
George I. Cline	Harry K. Lowman	G. C. Thornton
Robert Collins	W. E. McClure	W. R. Tipton
Everett T. Cooper	Ed Marcum	J. B. Veech
Perry M. Cross	F. G. Marquette	John C. Watts
Horace T. Cull	C. D. Moberly	Lawrence Watts
B. G. Davidson	Davis Moore	Morris Weintraub
Owen Deering	Walter Moorman	Rodney Whitlow
G. I. Drury	Thomas A. Noe, Jr.	Geo. F. Williamson
Kermit Dwyer	Harmon S. Overby	Charles W. Wirsch
Otto W. Goff	H. C. Patterson	—71

Those who voted in the negative were—

Laban P. Jackson	Joe E. Nunn	H. M. Pewitt
E. C. Mullins		—4

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was pass be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills and resolutions which originated in this House of the following titles, viz.:

H. B. No. 88. An Act relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

H. B. No. 320. An Act repealing Chapter 236 of the Acts of the General Assembly of 1946.

H. Res. No. 8. A Joint Resolution authorizing the payment of witness claims and a pauper idiot claim duly allowed by the Breathitt Circuit Court and owned by the First National Bank of Jackson, Ky.

H. Res. No. 36. A Joint Resolution providing for the payment, to the Bank of Cumberland, of certain witness claims allowed by the Cumberland Circuit Court.

H. Res. No. 37. A Joint Resolution providing for the payment, to the Peoples Bank of Tompkinsville, Ky., of certain witness claims allowed by the Monroe Circuit Court.

H. Res. No. 41. A Joint Resolution authorizing and directing the payment of the claims of Barkley Graham, Sheriff of McCracken County, for fees allowed at the January and April terms, 1947, of the McCracken Circuit Court.

Ordered that said bills and said resolutions be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had adopted resolutions which originated in this House of the following titles, viz.:

H. Res. No. 26. A Concurrent Resolution providing for recognition of National Security Week, the same being as

proclaimed from February the 12th, 1948, to February 22nd, 1948, inclusive.

H. Res. No. 29. A Concurrent Resolution requesting the Department of Highways to make a survey and investigation of the need for the construction of an additional highway bridge, with suitable access highways, across the Ohio River approximately one mile west of the existing bridge serving the Dixie Highway in Kenton County.

H. Res. No. 33. A Concurrent Resolution to require that the State Purchasing Agent furnish powdered soap for the dispensors located in the restrooms used by the members of the General Assembly.

H. Res. No. 34. A Concurrent Resolution memorializing the Congress of the United States with respect to a change in the Federal Internal Revenue laws relating to traffic in alcoholic beverages.

H. Res. No. 40. A Concurrent Resolution memorializing the Congress of the United States in regard to the including of maintenance and other noninstructional employes of boards of education in any program for the extension of social security.

H. Res. No. 48. A Concurrent Resolution requesting the Commissioner of Highways to investigate the toll charges now being charged on the state-owned Newport and Broadway bridge running from Newport, Ky., to Cincinnati, Ohio, with a view to reducing the tolls thereon in order to relieve the congestion on the state-owned L & N Bridge, thereby, and at the same time, increasing the revenue of the Newport and Broadway bridge so as to retire the bonds thereon at an earlier date.

H. Res. No. 65. A Concurrent Resolution memorializing Congress to cede to the Commonwealth of Kentucky jurisdiction for the execution of civil and criminal processes of the

courts of Kentucky, over the lands and property constituting the Fort Knox Military Reservations.

H. Res. No. 67. A Concurrent Resolution memorializing the Production and Marketing Administration of the United States Department of Agriculture with respect to the making of burley tobacco base allotments.

H. Res. No. 76. A Concurrent Resolution relating to the terms and conditions to be contained in contracts for athletic contests between teams representing the University of Kentucky and other institutions of higher learning.

The message which was received from the Senate also announced that they had passed bills which originated in this House of the following titles, viz.:

H. B. No. 151. An Act relating to Master Commissioners of Circuit Courts, and providing a salary therefor in certain Circuit Courts having continuous session.

With an amendment thereto as proposed and adopted by the Senate.

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz.:

Amend H. B. No. 151 by striking out the word "shall" on line 4, page 1, of the printed bill, and inserting the word "may" in lieu thereof.

H. B. No. 435. An Act relating to revenue and taxation, providing for licensing and fixing the amount of license fees for the privilege of operating or permitting to be operated certain lawful coin or token operated vending machines or devices, and making an appropriation to the Department of Revenue for administration.

With amendments thereto as proposed and adopted by the Senate.

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend House Bill No. 435 in the Senate by adding to Section 1, page 2, line 12, between the words "machines" and "or," the words "coin operated radios".

Amendment No. 2. Amend House Bill No. 435 in the Senate by striking from Section 5, pages 3 and 4, lines 6 to 15 inclusive and inserting in lieu thereof the following:

"(b) For each coin machine which is or may be operated for ten cents (10¢) or more, Fifteen Dollars (\$15.00) per annum.

"(c) For machines vending commodities for the sale of which an occupational license is paid under KRS 137.050 the tax herein prescribed shall be reduced by the amount of such license tax paid to the state."

Amendment No. 3. Amend House Bill No. 435 in the Senate in Section 9-A, pages 4 and 5, beginning on line 4, by striking the following: " , in any municipality other than a city of the first class, exceed in amount the taxes herein provided for state purposes." and inserting in lieu thereof the following: "exceed in amount the taxes herein provided for state purposes, except that cities of the first class may levy taxes equal to twice the amount of the state taxes herein provided."

Ordered that said bills be laid on the Clerk's desk.

The message which was received from the Senate also announced that they had adopted resolutions which originated in that body of the following title, viz.:

S. Res. No. 69. A Joint Resolution appointing a committee from the membership of the House and Senate to make recommendations relative to the maintenance and repair of the Governor's Mansion.

Said resolution is as follows, viz.:

Whereas, it appears to be necessary in the operation and maintenance of the Governor's Mansion that there be certain alterations and repairs, and the extent and exact nature thereof is not fully known at the present time; and

Whereas, the Governor of the Commonwealth of Kentucky has expressed a desire that the General Assembly of the Commonwealth of Kentucky appoint a committee from the membership of the Senate and of the House of Representatives for the purpose of making an inspection and investigation of the condition of the Governor's Mansion for the purpose of determining and recommending such repairs or alterations as are deemed necessary to be made:

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. There is hereby appointed a committee composed of:
Mrs. Susan B. Rutherford, Representative from Anderson County;

Mrs. Mary Elizabeth Burnett, Representative from Fayette County; and

Senator Louis Cox, representing the 20th Senatorial District,

for the purpose of inspecting and investigating the condition of the Governor's Mansion and to make recommendations for such alterations, repairs or improvements as they may deem necessary. After completing such inspection and investigation, said committee shall file a written report, setting forth their recommendations, with the Governor of the Commonwealth, with the Commissioner of Finance and with the Director of the Division of Public Properties.

S. Res. No. 67. A Joint Resolution memorializing Congress to pass a law providing Federal aid for equalizing educational opportunities among the several States.

Said resolution is as follows, viz.:

Whereas, there exists gross inequalities between the poorer states and the richer states in their abilities to support a desirable educational program, and

Whereas, the poorer states are not in position to provide desirable educational programs when they increase state and local taxation to the maximum of their ability, and

Whereas, ignorance and low educational standards of the poorer states affect the economic conditions of the richer states because migration from one state to another makes the problems of one state the problems of all states:

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) That the General Assembly of the Commonwealth of Kentucky memorializes the Congress of the United States that it, at the earliest possible date, pass the bills providing Federal aid as now waiting action of the Congress in order that the poorer states, and specifically Kentucky, be enabled to provide the present needs for a minimum educational program.

(2) Copies of this resolution shall be sent to the President and Chief Clerk of the Senate of the United States, the United States Senator from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States and the Representatives in Congress from Kentucky.

S. Res. No. 64. A Concurrent Resolution memorializing Congress to cede to the Commonwealth of Kentucky jurisdiction for the execution of civil and criminal processes of the courts of Kentucky, over the lands and property constituting the Fort Knox Military Reservation.

Said resolution is as follows, viz.:

Whereas, the lack of jurisdiction of the Commonwealth of Kentucky over the lands and property constituting the Fort Knox Military Reservation, for the execution of processes

issued under authority of the courts of the Commonwealth, impedes and obstructs the administration of justice within the Commonwealth of Kentucky:

Now, therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Congress of the United States be and it hereby is solicited and urged to enact appropriate legislation ceding to the Commonwealth of Kentucky jurisdiction for the execution of civil and criminal processes issued under authority of the courts of the Commonwealth, over the lands and property constituting the Fort Knok Military Reservation.

That the General Assembly, acting on behalf of the Commonwealth of Kentucky, hereby agrees to accept the grant of jurisdiction if and when made.

That the Chief Clerk of the House of Representatives is directed to forward a copy of this resolution to the Chief Clerk of the Senate and the House of Representatives in Congress of the United States, and to each Senator and Representative in Congress from Kentucky.

Said resolutions were adopted.

At the instance of the Committee on Rules, the House took up from the Clerk's desk a resolution which was reported from the Senate to this House on March 18, 1948, as follows, viz.:

S. Res. No. 74. A Concurrent Resolution directing the Legislative Research Commission to make a study of strip mining and providing for a report thereon.

Whereas, the mining of coal by the strip or open pit method is a comparatively new industry in Kentucky, concerning which no accurate factual data is available; and

Whereas, the General Assembly is interested in the development and utilization of the natural resources of the state and desires to place no unreasonable impediment in the way of same; and

Whereas, it is desirable that the General Assembly be fully advised and informed concerning strip or open pit mining operations and programs in this state, with a view to the enactment of well-considered legislation:

Now, Therefore

Be it resolved by the Senate of the Commonwealth of Kentucky and the House of Representatives concurring:

That the Legislative Research Commission is requested by the General Assembly to have a thorough survey and study made of strip or open pit mining in the Commonwealth of Kentucky and report its findings and recommendations to the Governor of the Commonwealth of Kentucky, whereby he can report to any session of the General Assembly said findings and recommendations.

Said resolution was adopted.

At the instance of the Committee on Rules, the House took up from the Clerk's desk a resolution which was reported from the Senate to this House on March 17, 1948,

S. Res. No. 77. A Resolution directing the Legislative Research Commission immediately upon its organization, to undertake a study relative to State employment on a merit basis, and a pension and retirement system for all State employees, and providing for a report thereon.

Whereas, there are many thousands of persons now employed by the Commonwealth of Kentucky, including persons who possess the highest of technical and professional qualifications, and

Whereas, many of such employees have devoted their entire adult lives to the rendition of services to the Commonwealth and to the public, and

Whereas, there is no provision under existing law which will secure to such employees any tenure of office or which will secure them in continued employment, nor is there any

provision of law whereby the Commonwealth of Kentucky provides for retirement allowances for those persons so employed, and

Whereas, it is the consensus of the General Assembly of the Commonwealth of Kentucky that provision should be made by law for a system under the terms of which certain classified employees of the Commonwealth should be given some security in their employment, and that in connection therewith provision should be made by law for a retirement system for those employees who are in classified service and who have devoted many years in the interest of the Commonwealth,

Now, therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. The Legislative Research Commission be and it hereby is directed, immediately after its organization, to undertake a study and investigation of all persons employed in the service of the Commonwealth with the view of acquiring sufficient data necessary to the preparation of legislation which will provide some security of employment of such persons, and for the creation of a system for the retirement of such employees, and in connection therewith the said Commission shall also examine and make a study of the laws of other States and of the United States which will be helpful or informative in the preparation of the legislation above referred to, and shall acquire and assimilate such other information or make such actuarial studies as may be required in order that the purposes of its study can be best effected.

2. Immediately upon the completion of the aforesaid investigation and study, the Legislative Research Commission shall prepare, or cause to be prepared, legislation which will provide for some security for persons employed in classified service of the Commonwealth and for the retirement of such persons, and such legislation, after preparation, shall thereupon be submitted to the Governor for submission to the first session of the General Assembly which convenes thereafter.

Said resolution was adopted.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills and a resolution of the following titles, viz.:

H. B. No. 386. An Act relating to zoning and planning in cities of the first class and in counties containing such a city, with particular relation to nonconforming uses.

H. B. No. 325. An Act relating to school districts, with particular reference to the transfer of territory within a city of any class or territory which may become incorporated in such a city, to a district embracing a greater part of the city.

H. B. No. 253. An Act relating to the tax on premiums received by insurance carriers for workmen's compensation insurance; amending KRS 342.445 and 342.450.

H. B. No. 377. An Act concerning armories.

H. B. No. 441. An Act relating to the payment of premiums on sheriffs' bonds.

H. Res. No. 58. A Joint Resolution authorizing the payment of attorneys' fees authorized by the Division of Game and Fish.

H. B. No. 352. An Act amending sub-section (5) of Section 132.590 of the Kentucky Revised Statutes providing for compensation of County Tax Commissioner and deputies.

H. B. No. 310. An Act relating to the appointment, members and terms of city recreational commissions, and declaring an emergency.

H. B. No. 203. An Act relating to the business of leasing, renting, or letting out for hire, motor vehicles to be used for the transportation of persons but for which no driver is

furnished, such business being commonly known as the "U-Drive-It" or "Rent-A-Car" business.

H. B. No. 358. An Act relating to Revenue and Taxation, particularly to the taxation of transfers of property or any interest therein.

H. B. No. 171. An Act amending Section 402.080 of the Kentucky Revised Statutes, relating to marriage licenses. It shall be known and cited as the Mary E. Burnett Act.

Thereupon all other business was suspended, said bills and said resolutions were each and severally read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills and said resolutions to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills and said resolution duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and said resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. John C. Watts moved that the House do now recess for one hour.

Said moton was agreed to.

And then the House recessed.

One hour having expired, the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules, the House took up from the Clerk's desk a bill of the following title, viz.:

H. B. No. 435. An Act relating to revenue and taxation, providing for licensing and fixing the amount of license fees for the privilege of operating or permitting to be operated certain lawful coin or token operated vending machines or devices, and making an appropriation to the Department of Revenue for administration.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H. J. of March 15, 1948, ante.)

Said admendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend House Bill No. 435 in the Senate by adding to Section 1, page 2, line 12, between the words "machines" and "or", the words "coin operated radios".

Amendment No. 2. Amend House Bill No. 435 in the Senate by striking from Section 5, pages 3 and 4, lines 6 to 15 inclusive and inserting in lieu thereof the following:

"(b) For each coin machine which is or may be operated for ten cents (10¢) or more, Fifteen Dollars (\$15.00) per annum.

"(c) For machines vending commodities for the sale of which an occupational license is paid under KRS 137.050 the tax herein prescribed shall be reduced by the amount of such license tax paid to the state."

Amendment No. 3. Amend House Bill No. 435 in the Senate in Section 9-A, pages 4 and 5, beginning on line 4, by striking the following: " , in any municipality other than a city of the first class, exceed in amount the taxes herein provided for state purposes." and inserting in lieu thereof the following: "exceed in amount the taxes herein provided for

state purposes, except that cities of the first class may levy taxes equal to twice the amount of the state taxes herein provided.”

Said Amendment No. 1 was disagreed to.

Said Amendments Nos. 2 and 3 were then concurred in.

Ordered that the Chief Clerk of this House report the action of the House to the Senate.

At the instance of the Committee on Rules, the House took up from the Clerk's desk a bill of the following title, viz.:

H. B. No. 151. An Act relating to Master Commissioners of Circuit Courts, and providing a salary therefor in certain Circuit Courts having continuous session.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see H. J. of February 19, 1948, ante.)

Said amendment to said bill is as follows, viz.:

Amend H. B. No. 151 by striking out the word “shall” on line 4, page 1, of the printed bill, and inserting the word “may” in lieu thereof.

Said amendment was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Earl F. Ashcraft	Bernhardt Bauer
Jason Alford	Sidney Baer	C. E. Baumgardner
Roy W. Arnold	Levi Baker	Fred Beshear

Mrs. Mary Burnett	Ira W. Hulette	F. L. Robinson
Chas. W. Burnley	Laban P. Jackson	Amos Runyan
Paul Carter	Kerby Jennings	Glenn Rushing
Earl W. Christian	J. Ernest Jones	Dr. K. N. Salyer
Robert Collins	Harry K. Lowman	LeRoy Saylor
Everett T. Cooper	W. E. McClure	James J. Shannon
Perry M. Cross	F. G. Marquette	Paul E. Shannon
Horace T. Cull	Archie R. Moore	James S. Shaw
Owen Deering	Davis Moore	Chas. L. Spillman
G. I. Drury	Walter Moorman	John M. Stumbo
Kermit Dwyer	Fred H. Morgan	Albert Thomason
Henry C. Hale	E. C. Mullins	G. C. Thornton
N. M. Hamilton	Harmon S. Overby	Wilford S. Travis
James P. Hanratty	H. C. Patterson	J. B. Veech
Dennis Henderson	H. M. Pewitt	John C. Watts
Carson Hibbitts	J. H. Polsgrove	Lawrence Watts
E. R. Hilton	L. W. Preston	Morris Weintraub
Richard R. Houpt	E. F. Prichard	Geo. F. Williamson
Clyde S. Howard	Ottis Roberts	Charles W. Wirsch

—66

Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up from the Clerk's desk a bill of the following title, viz.:

H. B. No. 354. An Act relating to Revenue and Taxation.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H. J. March 3, 1948, ante.)

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend printed copy of House Bill No. 354 on page 1, section 2, line 6 by striking therefrom the word "ninety" and inserting in lieu thereof the word "ninety-five."

Amendment No. 2. Amend printed copy of House Bill No. 354 on page 1, section 1, line 7 by striking therefrom the word "ninety" and inserting in lieu thereof the word "ninety-five."

Said amendments to said bill were then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	L. W. Preston
Jason Alford	Dennis Henderson	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Ottis Roberts
Earl F. Ashcraft	E. R. Hilton	F. L. Robinson
Sidney Baer	Richard R. Houpt	Amos Runyan
Levi Baker	Clyde S. Howard	Glenn Rushing
Bernhardt Bauer	Ira W. Hulette	Dr. K. N. Salyer
C. E. Baumgardner	Laban P. Jackson	LeRoy Saylor
Fred Beshear	Kerby Jennings	James J. Shannon
Mrs. Mary Burnett	J. Ernest Jones	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
Paul Carter	W. E. McClure	Chas. L. Spillman
Earl W. Christian	F. G. Marquette	John M. Stumbo
Robert Collins	Archie R. Moore	Albert Thomason
Everett T. Cooper	Davis Moore	G. C. Thornton
Perry M. Cross	Walter Moorman	Wilford S. Travis
Horace T. Cull	Fred H. Morgan	J. B. Veech
Owen Deering	E. C. Mullins	John C. Watts
G. I. Drury	Harmon S. Overby	Lawrence Watts
Kermit Dwyer	H. C. Patterson	Morris Weintraub
Henry C. Hale	H. M. Pewitt	Geo. F. Williamson
N. M. Hamilton	J. H. Polsgrove	Charles W. Wirsch

Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up from the Clerk's desk a bill of the following title, viz.:

H. B. No. 363. An Act to repeal and re-enact Section 243.720 Kentucky Revised Statutes 1946, relating to revenue and taxation.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see H. J. March 3, 1948, ante.)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz.:

Amend printed copy of House Bill 363 on page 1, section 1, line 4

By writing between the word "spirits" on line 4 and the word "used" in line 5 the following:

"and a proportional rate per gallon on all distilled spirits".

Said amendment to said bill was then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	L. W. Preston
Jason Alford	Dennis Henderson	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Ottis Roberts
Earl F. Ashcraft	E. R. Hilton	F. L. Robinson
Sidney Baer	Richard R. Houpt	Amos Runyan
Levi Baker	Clyde S. Howard	Glenn Rushing
Bernhardt Bauer	Ira W. Hulette	Dr. K. N. Salyer
C. E. Baumgardner	Laban P. Jackson	LeRoy Saylor
Fred Beshear	Kerby Jennings	James J. Shannon
Mrs. Mary Burnett	J. Ernest Jones	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
Paul Carter	W. E. McClure	Chas. L. Spillman
Earl W. Christian	F. G. Marquette	John M. Stumbo
Robert Collins	Archie R. Moore	Albert Thomason
Everett T. Cooper	Davis Moore	G. C. Thornton
Perry M. Cross	Walter Moorman	Wilford S. Travis
Horace T. Cull	Fred H. Morgan	J. B. Veech
Owen Deering	E. C. Mullins	John C. Watts
G. I. Drury	Harmon S. Overby	Lawrence Watts
Kermit Dwyer	H. C. Patterson	Morris Weintraub
Henry C. Hale	H. M. Pewitt	Geo. F. Williamson
N. M. Hamilton	J. H. Polsgrove	Charles W. Wirsch

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Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up from the Clerk's desk a bill of the following title, viz.:

H. B. No. 465. An Act relating to parole; amending KRS 439.110 and repealing KRS 439.105 and 439.106.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H. J. of March 10, 1948, ante.)

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend House Bill No. 465 in the Senate by renumbering Section 3 to be Section 4, and by inserting a new Section 3 to read as follows:

“Section 3. Section 439.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall appoint such probation and parole officers, not to exceed forty in number for the state, as are required for service in the circuit courts and for the supervision of persons paroled from all penal institutions under the control of the department.

(2) Probation and parole officers shall serve in such courts or districts as the department assigns them.

(3) They shall be paid such salaries as the department prescribes. They may also be paid traveling and other necessary expenses incurred in the performance of their duties.

(4) The fiscal court in each county in which a probation and parole officer serves shall provide suitable office space for the officer in or near the courthouse.”

Amendment No. 2. Amend House Bill 465 in the Senate by substituting a semi-colon in place of the period at the end of line 26 of Section 1 and page 2 and inserting at that point the following words:

“provided that in the case of any such prisoner sentenced prior to January 1, 1948, the minimum period of confinement shall be one-fourth of the sentence or sentences instead of one-third.”

And with an amendment to the title thereto, as proposed and adopted by the Senate, viz.:

Amend Title. Amend the title to House Bill No. 465 in the Senate by striking the title and inserting in lieu thereof the following title:

“An Act relating to probation and parole officers: amending KRS 439.110 and 439.200 and repealing KRS 439.105 and 439.106.”

Said amendments to said bill were then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	L. W. Preston
Jason Alford	Dennis Henderson	E. F. Prichard
Roy W. Arnold	Carson Hibbitts	Ottis Roberts
Earl F. Ashcraft	E. R. Hilton	F. L. Robinson
Sidney Baer	Richard R. Houpt	Amos Runyan
Levi Baker	Clyde S. Howard	Glenn Rushing
Bernhardt Bauer	Ira W. Hulette	Dr. K. N. Salyer
C. E. Baumgardner	Laban P. Jackson	LeRoy Saylor
Fred Beshear	Kerby Jennings	James J. Shannon
Mrs. Mary Burnett	J. Ernest Jones	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
Paul Carter	W. E. McClure	Chas. L. Spillman
Earl W. Christian	F. G. Marquette	John M. Stumbo
Robert Collins	Archie R. Moore	Albert Thomason
Everett T. Cooper	Davis Moore	G. C. Thornton
Perry M. Cross	Walter Moorman	Wilford S. Travis
Horace T. Cull	Fred H. Morgan	J. B. Veech
Owen Deering	E. C. Mullins	John C. Watts
G. I. Drury	Harmon S. Overby	Lawrence Watts
Kermit Dwyer	H. C. Patterson	Morris Weintraub
Henry C. Hale	H. M. Pewitt	Geo. F. Williamson
N. M. Hamilton	J. H. Polsgrove	Charles W. Wirsch

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Resolved that the title thereof be as amended.

Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills and resolutions of the following titles, viz.:

H. B. No. 88. An Act relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

H. B. No. 320. An Act repealing Chapter 236 of the Acts of the General Assembly of 1946.

H. Res. No. 8. A Joint Resolution authorizing the payment of witness claims and a pauper idiot claim duly allowed by the Breathitt Circuit Court and owned by the First National Bank of Jackson, Ky.

H. Res. No. 36. A Joint Resolution providing for the payment, to the Bank of Cumberland, of certain witness claims allowed by the Cumberland Circuit Court.

H. Res. No. 37. A Joint Resolution providing for the payment, to the Peoples Bank of Tompkinsville, Ky., of certain witness claims allowed by the Monroe Circuit Court.

H. Res. No. 41. A Joint Resolution authorizing and directing the payment of the claims of Barkley Graham, Sheriff of McCracken County, for fees allowed at the January and April terms, 1947, of the McCracken Circuit Court.

Thereupon all other business was suspended, said bills and said resolutions were each and severally read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills and said resolutions to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills and said resolutions duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and said resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz.:

H. B. No. 319. An Act to repeal Section 28.450 of the Kentucky Revised Statutes and to enact in lieu thereof new provisions relating to compensation of Reporters for Circuit Courts of continuous session in counties having a population of less than 150,000.

With an amendment thereto as proposed and adopted by the Senate.

; (For bill see H. J. of March 9, 1948, ante.)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz.:

Amend H. B. No. 319 on page 1, line 6, by striking out the figures "\$3,000" and inserting the figures "\$1,800".

Said amendment to said bill was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Carson Hibbitts	J. H. Polsgrove
Roy W. Arnold	Richard R. Houpt	L. W. Preston
Sidney Baer	Clyde S. Howard	E. F. Prichard
Levi Baker	R. N. Hubbard	Amos Runyan
Bernhardt Bauer	Ira W. Hulette	Glenn Rushing
Fred Beshear	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	J. Ernest Jones	LeRoy Saylor
Mrs. Mary Burnett	Harry K. Lowman	James J. Shannon
Chas. W. Burnley	W. E. McClure	Paul E. Shannon
A. H. Calvert	F. G. Marquette	Chas. L. Spillman
Earl W. Christian	E. H. Martin	Geo. W. Steinfeld
George I. Cline	C. D. Moberly	John M. Stumbo
Robert Collins	Archie R. Moore	Albert Thomason
Everett T. Cooper	Davis Moore	G. C. Thornton
Perry M. Cross	Walter Moorman	Wilford S. Travis
Horace T. Cull	Fred H. Morgan	J. B. Veech
G. I. Drury	E. C. Mullins	John C. Watts
Otto W. Goff	Thomas A. Noe, Jr.	Lawrence Watts
N. M. Hamilton	Harmon S. Overby	Geo. F. Williamson
Dennis Henderson	H. M. Pewitt	Charles W. Wirsch

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Those who voted in the negative were—

Earl F. Ashcraft	Joe E. Nunn	Ottis Roberts
B. G. Davidson		—4

Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had adopted a resolution which originated in the House of the following title, viz.:

H. Res. No. 38. A Joint Resolution directing the Division of Parks to pay, to John Stanley, of Danville, Ken-

tucky, certain compensation to which he is entitled for services as custodian of the J. G. Weisiger Memorial State Park and the Ephraim McDowell Home.

With amendments thereto as proposed and adopted by the Senate.

(For resolution see H. J. of March 17, 1948, ante.)

Said amendments to said resolution as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend House Resolution No. 38, in the Senate, by striking the figures "\$500" in the second line of the last paragraph of the preamble to same, after the word "of" and before the comma, and inserting in lieu thereof the figures "\$250".

Amendment No. 2. Amend House Resolution No. 38, in the Senate, by striking therefrom in line 4, page 1, after the word "of" and before the word "for", the figures "\$500", and inserting in lieu thereof the figures "\$250".

Said amendments to said resolution were concurred in.

Said resolution was then adopted as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Earl W. Christian	Carson Hibbitts
Roy W. Arnold	George I. Cline	Richard R. Houpt
Sidney Baer	Robert Collins	Clyde S. Howard
Levi Baker	Everett T. Cooper	R. N. Hubbard
Bernhardt Bauer	Perry M. Cross	Ira W. Hulette
Fred Beshear	Horace T. Cull	Kerby Jennings
Chas. J. Bronston	G. I. Drury	J. Ernest Jones
Mrs. Mary Burnett	Otto W. Goff	Harry K. Lowman
Chas. W. Burnley	N. M. Hamilton	W. E. McClure
A. H. Calvert	Dennis Henderson	F. G. Marquette

E. H. Martin	J. H. Polsgrove	Geo. W. Steinfeld
C. D. Moberly	L. W. Preston	John M. Stumbo
Archie R. Moore	E. F. Prichard	Albert Thomason
Davis Moore	Amos Runyan	G. C. Thornton
Walter Moorman	Glenn Rushing	Wilford S. Travis
Fred H. Morgan	Dr. K. N. Salyer	J. B. Veech
E. C. Mullins	LeRoy Saylor	John C. Watts
Thomas A. Noe, Jr.	James J. Shannon	Lawrence Watts
Harmon S. Overby	Paul E. Shannon	Geo. F. Williamson
H. M. Pewitt	Chas. L. Spillman	Charles W. Wirsch

—60

Those who voted in the negative were—

Earl F. Ashcraft	Joe E. Nunn	Ottis Roberts
B .G. Davidson		

—4

Mr. John C. Watts moved that the vote by which said resolution was adopted as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had passed a bill which originated in the House of the following title, viz.:

H. B. No. 244. An Act to amend Section 69.105 of Kentucky Revised Statutes pertaining to stenographer to Commonwealth's attorneys in counties containing cities of the second class.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see H. J. of February 25, 1948, ante.)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz.:

Amend H. B. No. 244 in line 9 by strnking out the word "shall" and inserting the word "may".

Said amendment to said bill as proposed and adopted by the Senate was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Carson Hibbitts	J. H. Polsgrove
Roy W. Arnold	Richard R. Houpt	L. W. Preston
Sidney Baer	Clyde S. Howard	E. F. Prichard
Levi Baker	R. N. Hubbard	Amos Runyan
Bernhardt Bauer	Ira W. Hulette	Glenn Rushing
Fred Beshear	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	J. Ernest Jones	LeRoy Salylor
Mrs. Mary Burnett	Harry K. Lowman	James J. Shannon
Chas. W. Burnley	W. E. McClure	Paul E. Shannon
A. H. Calvert	F. G. Marquette	Chas. L. Spillman
Earl W. Christian	E. H. Martin	Geo. W. Steinfeld
George I. Cline	C. D. Moberly	John M. Stumbo
Robert Collins	Archie R. Moore	Albert Thomason
Everett T. Cooper	Davis Moore	G. C. Thornton
Perry M. Cross	Walter Morman	Wilford S. Travis
Horace T. Cull	Fred H. Morgan	J. B. Veech
G. I. Drury	E. C. Mullins	John C. Watts
Otto W. Goff	Thomas A. Noe, Jr.	Lawrence Watts
N. M. Hamilton	Harmon S. Overby	Geo. F. Williamson
Dennis Henderson	H. M. Pewitt	Charles W. Wirsch

—60

Those who voted in the negative were—

Earl F. Ashcraft	Joe E. Nunn	Ottis Roberts
B. G. Davidson		

—4

Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had passed a bill which originated in this House of the following title, viz.:

H. B. No. 450. An Act providing for the distribution to each county, of a portion of the revenue received from certain state taxes on legal processes and instruments.

(For bill see H. J. of March 16, 1948, ante.)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz.:

Amend House Bill No. 450 by striking from line 1, page 1 of the printed bill the words "twenty-five" and inserting in lieu thereof the words "twelve and one-half".

Said amendment to said bill as proposed and adopted by the Senate was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Earl W. Christian	Carson Hibbitts
Roy W. Arnold	George I. Cline	Richard R. Houpt
Sidney Baer	Robert Collins	Clyde S. Howard
Levi Baker	Everett T. Cooper	R. N. Hubbard
Bernhardt Bauer	Perry M. Cross	Ira W. Hulette
Fred Beshear	Horace T. Cull	Kerby Jennings
Chas. J. Bronston	G. I. Drury	J. Ernest Jones
Mrs. Mary Burnett	Otto W. Goff	Harry K. Lowman
Chas. W. Burnley	N. M. Hamilton	W. E. McClure
A. H. Calvert	Dennis Henderson	F. G. Marquette

E. H. Martin	J. H. Polsgrove	Geo. W. Steinfeld
C. D. Moberly	L. W. Preston	John M. Stumbo
Archie R. Moore	E. F. Prichard	Albert Thomason
Davis Moore	Amos Runyan	G. C. Thornton
Walter Moorman	Glenn Rushing	Wilford S. Travis
Fred H. Morgan	Dr. K. N. Salyer	J. B. Veech
E. C. Mullins	LeRoy Saylor	John C. Watts
Thomas A. Noe, Jr.	James J. Shannon	Lawrence Watts
Harmon S. Overby	Paul E. Shannon	Geo. F. Williamson
H. M. Pewitt	Chas. L. Spillman	Charles W. Wirsch

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Those who voted in the negative were—

Joe E. Nunn Ottis Roberts

—2

Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 239. An Act relating to corporations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. KRS 271.415 is amended and re-enacted to read as follows:

Voluntary transfer of corporate assets. (1) A voluntary sale, lease or exchange of all the assets of a corporation may be authorized by it upon such terms and conditions as it deems expedient, including an exchange in whole or in part for shares in another corporation, domestic or foreign.

(2) If the corporation is able to meet its liabilities then matured, such authorization shall be given at a meeting of shareholders, duly called for the purpose, and by a vote of the holders of a majority of the voting power of all shareholders entitled to vote or by such vote as may be provided for in the articles of incorporation, which shall not be less than the vote of the holders of a majority of the voting power of all shareholders. If the corporation is unable to meet its liabilities then matured, such authorization may be given by the vote of the board of directors.

(3) This section is not intended to authorize a conveyance or exchange of assets in fraud of corporate creditors or of minority shareholders or shareholders without voting rights, or in violation of Chapter 377, Kentucky Revised Statutes, relating to bulk sales.

(4) If a corporation has authorized the sale, lease or exchange of all of its assets, at a time when it is able to meet its liabilities then matured, any shareholders who filed with the corporation written objection thereto before the taking of the vote on such authorization and whose shares were not voted in favor of such corporate action may, at any time within twenty days after the date upon which such corporate action was authorized, demand in writing payment for his shares.

If the corporation and such objecting shareholder or shareholders do not agree within forty days after the expiration of such twenty day period upon the fair market value of the shares at the time such corporate action was authorized, any such objecting shareholder may, within sixty days after the expiration of such forty day period, institute in the circuit court in the county in which the registered office of the corporation of which he is a shareholder is located an equitable action against such corporation to recover such fair market value of his shares; or any shareholder may object within such period and so institute an equitable action to set aside the corporate action objected to, but only on the grounds that it was not authorized in conformity with the applicable statutes of Kentucky, or is in violation of some applicable statute of Ken-

tucky or of the United States, or is in actual fraud of his rights as a shareholder.

In any action the objecting shareholder shall state the number and class of shares owned by him and the numbers of the stock certificates evidencing such shares. Prior to the institution of an action to recover such fair market value of his shares, an objecting shareholder shall present the stock certificate or certificates evidencing his shares to the corporation at its registered office to be stamped to show that such shares are objecting shares involved in proceedings to recover such fair market value thereof.

Upon the expiration of such sixty day period all actions instituted by objecting shareholders to set aside the proposed sale, lease or exchange shall be consolidated, and all actions instituted by objecting shareholders to recover such fair market value of their shares shall be consolidated.

The court, upon motion by the corporation, may stay the actions to recover such fair market value of shares pending entry of final judgment from which no further appeal or review lies in the actions, if any, to set aside the proposed sale, lease or exchange. At any time prior to the expiration of one hundred and twenty days after the authorization of the corporate action objected to, or prior to the entry of final judgment from which no further appeal or review is possible in the actions, if any, to set aside the corporate action objected to, whichever is later, the corporation may abandon the corporate action objected to upon authorization so to do by the written consent of or by the vote of the holders of a majority of the combined voting power of the shareholders whose shares were voted in favor thereof, and of the shareholders who are presumed to have consented thereto, which vote shall be taken at a meeting of such shareholders duly called as provided for in KRS 271.295 for the purpose, and thereupon the right of all objecting shareholders to be paid for their shares shall cease, and all actions hereunder permitted shall be dismissed at the cost of the corporation.

Following the expiration of the aforesaid sixty day period, the court shall designate a time for a hearing in those consoli-

dated actions instituted to recover such fair market value of shares, at which hearing the court shall determine the shareholders who have complied with the provisions of this section and become entitled to a determination of such fair market value of their shares, and shall appoint a disinterested appraiser to determine such fair market value of their shares. The court shall administer an oath to the appraiser to honestly and faithfully discharge his duties, and fix a time and place for the appraiser to begin hearing evidence on such fair market value of the shares. The appraiser shall have the powers conferred upon master commissioners by KRS 27.100(2) and shall afford a reasonable opportunity to the corporation and the objecting shareholder or shareholders to introduce pertinent evidence on such fair market value of the shares. The appraiser shall conduct his hearings as expeditiously as practicable, and upon completion of the hearings shall report in writing to the court his determination of such fair market value of the shares of each objecting shareholder entitled to payment therefor, and file with the court a written transcript of the testimony heard by him, together with all exhibits introduced in evidence.

The corporation or any objecting shareholder may within ten days after the filing of the appraiser's report, file exceptions thereto. Such exceptions shall be heard and decided by the court upon the evidence submitted to the appraiser as shown by the transcript. After hearing the exceptions to the appraiser's report, or if no exceptions thereto have been filed within the time hereinbefore provided for, the court shall enter final judgment determining such fair market value of the shares of each objecting shareholder entitled to payment therefor, and shall direct payment thereof to each objecting shareholder entitled thereto upon tender to the corporation of the certificate or certificates representing his shares, duly stamped and endorsed.

Any shareholder who objected to the corporate action in question, demanded payment for his shares, presented his stock certificates for stamping and instituted an action to recover such fair market value of his shares in the manner and within the respective times hereinbefore provided for, shall

not thereafter be entitled to vote such shares for any purpose or be entitled to the payment of dividends or other distribution on said shares (except dividends and distributions payable to shareholders of record at a date prior to the authorization of the corporate action in question), unless such shareholder and the corporation, after resolution by its board of directors, shall agree in writing to the corporate action objected to and to the dismissal of the action instituted by him for determination of the fair market value of his shares, in which event the right of such shareholder to payment for his shares shall cease and he shall be presumed to have consented to such corporate action as fully as if he had voted in favor thereof.

Unless a shareholder files such written objection, makes such demand, presents his stock certificates for stamping and institutes an action to recover such fair market value of his shares, or objects and institutes an action to set aside the corporate action in question on a ground hereunder permitted, all within the respective times hereinbefore provided for, he shall be presumed to have consented to such corporate action as fully as if he had voted in favor thereof.

The right of an objecting shareholder either (a) to recover such fair market value of his shares or (b) to set aside the corporate action objected to, both in the manner and upon the terms and conditions and subject to the limitations provided in this section of this Act, shall be his exclusive remedy, and he may seek either the one or the other remedy, but not both. Any action by an objecting shareholder permitted hereunder shall be advanced on the docket for an early hearing as actions for declarations of rights may be, and shall be heard and disposed of as expeditiously as is reasonably possible, save as in this section of this Act is provided. From any final judgment rendered by a circuit court in any such action, an appeal may be taken to and heard by the Court of Appeals of Kentucky, but only within the time and manner provided for appeals from declaratory judgments by § 639a-5 of the Civil Code of Practice of Kentucky.

The cost of any appraisal, including a reasonable fee to and the reasonable expenses of the appraiser, but exclusive

of fees of counsel or of experts, shall be determined by the court and taxed upon the corporation and the objecting shareholder or shareholders, or any of them, as may appear to be equitable.

Nothing herein contained shall apply to shares whose terms and provisions specifically state the amount to be paid in respect of said shares in the event of the occurrence of the corporate action objected to.

(5) Nothing in this section shall apply to a mortgage or deed of trust executed by the corporation.

§ 2. KRS 271.445 is amended and re-enacted to read as follows:

Amendment of articles of incorporation. (1) A corporation may, at a meeting of the shareholders duly called upon notice of the specific purpose, and in the manner provided in this section and in KRS 271.450 and 271.455, amend its articles in any respect so as to include any provision authorized by this chapter, or so as to add to its corporate purposes or to diminish the same, or both, or substitute other purposes in whole or in part for those prescribed in the original articles or any previous amendment thereto, or so as to extend the period of its duration for a further definite time or perpetually.

(2) An amendment of the articles of incorporation may be adopted by vote of the holders of a majority of the voting power of all shareholders entitled to vote or by such vote as the articles of incorporation may require, which shall not be less than the vote of the holders of a majority of such voting power.

(3) If an amendment would alter or change the preferences, special rights or powers given to the holders of shares of any class or classes so as to affect the same adversely, or would increase the number of or would increase or decrease the par value of shares of any class or classes, then the holders of each class of shares so affected by the amendment shall be entitled to vote as a class upon such amendment, whether by the terms of the articles of incorporation such class be entitled to vote or not, and, in addition to the vote required by

subsection (2) of this section, the vote of the holders of two-thirds of the shares of each class so affected by the amendment shall be necessary to the adoption thereof.

(4) The incorporators by signing and acknowledging articles of amendment as provided in KRS 271.450 may adopt an amendment to the articles of incorporation prior to the receiving of any subscriptions for shares, except those subscriptions required to be stated in the articles of incorporation.

§ 3. KRS 271.460 is amended and re-enacted to read as follows:

Reduction of capital. (1) The capital of a corporation may be reduced by a resolution adopted by the vote of the shareholders representing not less than a majority of its outstanding shares, cast in person or by proxy at a meeting of the shareholders duly called and held for that purpose, or by such vote as the articles of incorporation require, which shall not be less than the vote of the holders of a majority of the outstanding shares.

(2) Following the adoption of such a resolution for the reduction of capital, articles of reduction of capital shall be prepared and recorded in the manner required by KRS 271.450 for the preparation and recording of articles of amendment. The articles of reduction shall state that the proposed reduction will not reduce the fair value of the assets of the corporation to an amount less than the total amount of its debts and liabilities, or render the corporation incapable of paying its debts in the ordinary course of business.

(3) No attempted reduction of capital shall be effective until the Secretary of State has recorded the articles of reduction and issued a certificate of reduction, and no such attempted reduction shall be valid, even if the Secretary of State has recorded the articles of reduction and issued a certificate of reduction, if such reduction would reduce the actual value of the corporate assets to an extent prohibited by subsection (2) of this section.

(4) The Secretary of State and the county court clerk shall be paid the same fees for recording the articles of reduc-

tion as they are paid for recording articles of incorporation, and the Secretary of State shall be paid the same fee for issuing a certificate of reduction as he is paid for issuing a certificate of incorporation.

§ 4. KRS 271.445, 271.455 and 271.460 shall not be construed as applying to any thing dealt with in KRS 271.135.

§ 5. KRS 271.490 is amended and re-enacted to read as follows:

Rights of dissenting shareholders in case of merger or consolidation; abandonment of merger or consolidation. When a corporation has become a party to a merger or consolidation agreement for merger or consolidation and whose shares holder of such corporation who filed with the corporation of which he is a shareholder written objection thereto before the taking of the vote for the authorization of the adoption of the agreement for merger or consolidation and whose shares were not voted in favor of such corporate action, may at any time within twenty days after such authorization was given, demand in writing of the corporation of which he is a shareholder payment for his shares. If the corporation, such objecting shareholders and the other corporations which are parties to the agreement for merger or consolidation do not agree within forty days after the expiration of such twenty day period upon the fair market value of the shares at the time such corporate action was authorized, any such objecting shareholder may institute an equitable action to recover against the corporation of which he is a shareholder such fair market value of his shares, or any shareholder may object and institute an equitable action to set aside the corporate action objected to. The right of an objecting shareholder either (a) to recover such fair market value of his shares, or (b) to set aside the corporate action objected to, each only in the manner, within the periods of time, upon the grounds, upon the terms and subject to the limitations, restrictions and conditions provided for in subsection (4) of KRS 271.415, shall be his exclusive remedy, and he may seek either the one or the other remedy, but not both. All such shareholders and corporations may have the rights, remedies and privileges, and shall

be subject to the presumptions, restrictions, conditions and limitations provided for in subsection (4) of KRS 271.415, which, except where inconsistent with a provision of this section of this Act, are made applicable in the case of a shareholder objecting to a merger or consolidation in so far as they can consistently be made applicable thereto.

The liability of each of the corporations which are parties to the agreement for merger or consolidation to their respective objecting shareholders for such fair market value of their respective shares determined as hereinbefore provided shall also be a liability of the surviving or new corporation as the case may be.

The merger or consolidation agreement need not be filed with the Secretary of State and the merger or consolidation need not be effected until after the expiration of one hundred and twenty days after the authorization of the adoption of the agreement, and until after the entry of the final judgment from which no further appeal or review is possible in the actions, if any, instituted to set aside the merger or consolidation agreement, whichever occurs later. At any time prior to the expiration of said one hundred and twenty day period, or prior to the entry of such final judgment, whichever occurs later, any corporation which is a party to the merger or consolidation agreement may abandon the merger or consolidation upon authorization so to do by the written consent of or by the vote of the holders of a majority of the combined voting power of the shareholders whose shares were voted in favor thereof, and of the shareholders who are presumed to have consented thereto, which vote shall be taken at a meeting of said shareholders duly called as provided for in KRS 271.295 for the purpose, and thereupon the right of all objecting shareholders to be paid for their shares shall cease, and all actions hereunder permitted shall be dismissed at the cost of the respective corporations.

Nothing herein contained shall apply to shares whose terms and provisions specifically state the amount to be paid in respect of said shares in the event of the occurrence of the corporate action objected to.

§ 6. KRS sections 271.415 and 271.490 as respectively amended by this Act shall apply only to the matters therein respectively deferred to which were authorized by shareholders after the effective date of this Act. Matters as to which authorization by the shareholders took place before the effective date of this Act shall be governed by sections 271.415 and 271.490 as they respectively existed before amendment by this Act, which as to such matters and only as to such matters are continued in force and effect.

§ 7. KRS 271.500 is amended and re-enacted to read as follows:

Election to dissolve by act of the corporation or by consent of the shareholders. A corporation may elect to dissolve voluntarily and wind up its affairs, by the act of the corporation or by the written consent of the holders of all the voting power of the shareholders. If desired to be done by the act of the corporation, the board of directors may adopt a resolution recommending that the corporation be dissolved voluntarily, and direct that the question of such dissolution be submitted to a vote at a meeting of shareholders duly called upon notice of the specific purpose in the manner provided in KRS 271.295; or any shareholder or shareholders holding in the aggregate one-fifth of the voting power of all shareholders may have called or call a meeting upon notice of the specific purpose in the manner provided in KRS 271.295 for the purpose of voting on the question of dissolution. At such a meeting a vote of the shareholders entitled to vote shall be taken on a motion to dissolve the corporation voluntarily, which shall require for its adoption the affirmative vote of the holders of a majority of the voting power of all shareholders entitled to vote, or such vote as the articles of incorporation may require, which shall not be less than the vote of the holders of a majority of such voting power. Upon the adoption of a resolution authorizing dissolution, or upon the execution of a written consent to dissolution by the holders of all the voting power of the shareholders, a statement of intent to dissolve shall be signed to triplicate by the president or a vice-president, and acknowledged by him, and attested by the secretary or an assistant secretary, which shall set forth:

- (a) The name of the corporation;
- (b) The names and the post office addresses of its officers;
- (c) The names and the post-office addresses of its directors;
- (d) A copy of the resolution of the shareholders authorizing the dissolution, or of the agreement signed by the shareholders consenting to the dissolution;
- (e) The names and the post-office addresses of the persons who shall act for the corporation in winding up its affairs;
- (f) The number of shares outstanding;
- (g) The number of shares voted for and against the motion for dissolution, respectively, or a statement that the agreement for dissolution was signed by the holders of all the voting power of the shareholders in person or by their attorneys thereunto duly authorized.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Earl W. Christian	Carson Hibbitts
Roy W. Arnold	George I. Cline	E. R. Hilton
Earl F. Ashcraft	Robert Collins	Richard R. Houpt
Sidney Baer	Everett T. Cooper	Clyde S. Howard
Levi Baker	Perry M. Cross	R. N. Hubbard
Bernhardt Bauer	Horace T. Cull	Ira W. Hulette
C. E. Baumgardner	G. I. Drury	Laban P. Jackson
Fred Beshear	Otto W. Goff	Kerby Jennings
Chas. J. Bronston	N. M. Hamilton	J. Ernest Jones
Chas. W. Burnley	James P. Hanratty	Ercel Kozee
A. H. Calvert	Dennis Henderson	Harry K. Lowman

W. E. McClure	H. M. Pewitt	Paul E. Shannon
F. G. Marquette	J. H. Polsgrove	James S. Shaw
E. H. Martin	L. W. Preston	Geo. W. Steinfeld
C. D. Moberly	E. F. Prichard	John M. Stumbo
Archie R. Moore	Ottis Roberts	G. C. Thornton
Davis Moore	F. L. Robinson	Wilford S. Travis
Walter Moorman	Amos Runyan	J. B. Veech
Fred H. Morgan	Glenn Rushing	John C. Watts
E. C. Mullins	Dr. K. N. Salyer	Lawrence Watts
Thomas A. Noe, Jr.	LeRoy Saylor	Geo. F. Williamson
Joe E. Nunn	James J. Shannon	Charles W. Wirsch
H. C. Patterson		—67

There voted in the negative—

Rodney Whitlow

—1

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 344. An Act relating to merger of independent school districts with county school districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When a Board of Education of an independent school district desires to have its district become a part of the county school district, it shall by motion so record its desire in the Minutes of the Board. The Board, or its executive officer, shall convey this request to the County Board of Education. At its next regular meeting, or at a special meeting

held prior thereto, the County Board of Education shall pass upon this request.

§ 2. If the County Board of Education refuses, or the two Boards of Education cannot agree upon such a proposition of merger of the independent district with the county district, the independent Board of Education may appeal to the Superintendent of Public Instruction and ask that its request to become a part of the County School District be submitted to the State Board of Education for final settlement.

§ 3. If the State Board of Education approves the proposition of merger, it shall become effective and the independent district shall become a part of the county school district on the basis of the conditions of merger as set out by action of the State Board of Education.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Sidney Baer	Clyde S. Howard	F. L. Robinson
Levi Baker	R. N. Hubbard	Lilburn S. Rogers
Bernhardt Bauer	Ira W. Hulette	Amos Runyan
C. E. Baumgardner	Kerby Jennings	Glenn Rushing
Fred Beshear	J. Ernest Jones	Dr. K. N. Salyer
Chas. J. Bronston	Harry K. Lowman	James J. Shannon
Mrs. Mary Burnett	W. E. McClure	Paul E. Shannon
Chas. W. Burnley	F. G. Marquette	James S. Shaw
A. H. Calvert	E. H. Martin	John M. Stumbo
Earl W. Christian	Davis Moore	G. C. Thornton
George I. Cline	Walter Moorman	Wilford S. Travis
Robert Collins	Joe E. Nunn	J. B. Veech
B. G. Davidson	H. C. Patterson	John C. Watts
Otto W. Goff	H. M. Pewitt	Rodney Whitlow
C. J. Holsclaw	J. H. Polsgrove	Geo. F. Williamson
Richard R. Houpt	E. F. Prichard	

Those who voted in the negative were—

Jason Alford	Kermit Dwyer	Fred H. Morgan
Roy W. Arnold	Henry C. Hale	E. C. Mullins
Earl F. Ashcraft	Dennis Henderson	L. W. Preston
Everett T. Cooper	C. D. Moberly	Ottis Roberts
G. I. Drury	Archie R. Moore	LeRoy Saylor

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 63. An Act relating to the publication of ordinances in cities of the second class operating under the city manager form of government.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Ordinances adopted by the board of commissioners of any city of the second class organized and governed under the city manager form of government shall be published in full in the newspaper with the largest bona fide circulation published in the city when they relate to the raising of revenue, the expenditure of public funds, or are police measures that impose penalties for violations, except that in the case of any ordinance adopting or enacting a standard United States Government Code or a Commonwealth of Kentucky departmental code, the ordinance as published need not set such code forth at length, but may merely identify it by a suitable reference. Other ordinances need not be published in full, but the city

clerk shall, within ten days after the adoption of an ordinance, cause to be published in the newspaper with the largest bona fide circulation an abstract thereof and shall incorporate therein sufficient information to constitute a description of the subject matter to which such ordinance relates.

The provisions of subsection (6) KRS 84.100 shall not apply in cities of the second class organized and governed under the city manager form of government.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.

Those who voted in the affirmative were—

Jason Alford	Clyde S. Howard	L. W. Preston
Sidney Baer	Ira W. Hulette	E. F. Prichard
Levi Baker	Kerby Jennings	Hobart Rayburn
Bernhardt Bauer	J. Ernest Jones	Ottis Roberts
Fred Beshear	Ercel Kozee	F. L. Robinson
Mrs. Mary Burnett	Harry K. Lowman	Lilburn S. Rogers
Chas. W. Burnley	W. E. McClure	Glenn Rushing
A. H. Calvert	E. H. Martin	Dr. K. N. Salyer.
Earl W. Christian	C. D. Moberly	Paul E. Shannon
Robert Collins	Archie R. Moore	James S. Shaw
Perry M. Cross	Davis Moore	G. C. Thornton
Horace T. Cull	Walter Moorman	Wilford S. Travis
G. I. Drury	Fred H. Morgan	J. B. Veech
Otto W. Goff	E. C. Mullins	John C. Watts
N. M. Hamilton	H. C. Patterson	Lawrence Wats
Carson Hibbitts	H. M. Pewitt	Geo. F. Williamson
Richard R. Houpt	J. H. Polsgrove	Charles W. Wirsch

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Those who voted in the negative were—

Earl F. Ashcraft	Joe E. Nunn	Rodney Whitlow
Thomas A. Noe, Jr.	Geo. W. Steinfeld	

—5

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. No. 66. An Act amending Sub-section (2) of Section 89.550 of the Kentucky Revised Statutes, relating to the City Manager Form of Government for Cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sub-section (2) of Section 89.590 of the Kentucky Revised Statutes is amended to read as follows:

(2) Before a city of the second class shall enter into any contract involving the expenditure of more than one thousand dollars, with the exception of a contract for professional services which shall not be let by competitive bidding, the board of commissioners shall by resolution specify the nature of the work to be contracted for, or the quality and quantity of the supplies or materials to be purchased, and authorize the city manager to advertise for and receive bids under seal for the execution of such work or the purchase of such supplies or material. The city manager shall advertise for bids by notice posted up at the city hall door and by inserting notice of the request for bids in at least one issue of a daily newspaper published in the city, and the notices shall be published at least seven days prior to the opening of bids. No bid shall be opened within ten days from the date on which the resolution is adopted, and no bid shall be received after

the hour fixed for the opening of bids. All bids received by the City Manager up to the time fixed by the resolution for the opening of bids shall be filed with the board of commissioners who shall let the contract to the lowest responsible bidder. The City Manager may, for and on behalf of the city, enter into any contract involving the expenditure of one thousand dollars or less, but in the event such contract involves the expenditure of more than five hundred dollars he shall advertise for bids in the manner provided in this subsection and let the contract to the lowest responsible bidder, except that such contracts for professional services shall not be let by competitive bidding. The board of commissioners or the City Manager may reject all bids, in which event they may advertise for new bids in the manner provided in this subsection.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Clyde S. Howard	E. F. Prichard
Sidney Baer	Ira W. Hulette	Hobart Rayburn
Levi Baker	Kerby Jennings	Ottis Roberts
Bernhardt Bauer	J. Ernest Jones	F. L. Robinson
Fred Beshear	Ercel Kozee	Lilburn S. Rogers
Mrs. Mary Burnett	Harry K. Lowman	Glenn Rushing
Chas. W. Burnley	W. E. McClure	Dr. K. N. Salyer
A. H. Calvert	E. H. Martin	Paul E. Shannon
Earl W. Christian	C. D. Moberly	James S. Shaw
Robert Collins	Archie R. Moore	G. C. Thornton
Perry M. Cross	Davis Moore	Wilford S. Travis
Horace T. Cull	Walter Moorman	J. B. Veech
G. I. Drury	Fred H. Morgan	John C. Watts
Otto W. Goff	E. C. Mullins	Lawrence Watts
N. M. Hamilton	H. C. Patterson	Geo. F. Williamson
Carson Hibbitts	H. M. Pewitt	Charles W. Wirsch
Richard R. Houpt	J. H. Polsgrove	

Those who voted in the negative were—

Earl F. Ashcraft	L. W. Preston	Rodney Whitlow	
Joe E. Nunn	Geo. W. Steinfeld		—5

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. No. 13. An Act amending sub-section (5) (h) of Section 341.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sub-section (5) (h) of Section 341.050 of the Kentucky Revised Statutes is amended to read as follows:

“(h) Service performed in the employ of a corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, or any perpetual care non-profit cemetery association, corporation or its trusteeship, no part of the net earnings of which inures to the benefit of any shareholders or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation.”

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Ira W. Hulette	Hobart Rayburn
Levi Baker	Kerby Jennings	Ottis Roberts
Bernhardt Bauer	J. Ernest Jones	F. L. Robinson
Fred Beshear	Ercel Kozee	Lilburn S. Rogers
Mrs. Mary Burnett	Harry K. Lowman	Glenn Rushing
Chas. W. Burnley	E. H. Martin	Dr. K. N. Salyer
A. H. Calvert	C. D. Moberly	Paul E. Shannon
Earl W. Christian	Archie Moore	G. C. Thornton
Robert Collins	Davis Moore	Wilford S. Travis
Perry M. Cross	Walter Moorman	J. B. Veech
Horace T. Cull	Fred H. Morgan	John C. Watts
G. I. Drury	E. C. Mullins	Lawrence Watts
Otto W. Goff	H. C. Patterson	Geo. F. Williamson
N. M. Hamilton	H. M. Pewitt	Charles W. Wirsch
Carson Hibbitts	J. H. Polsgrove	
Richard R. Houpt	E. F. Prichard	

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Those who voted in the negative were—

Sidney Baer	Thomas A. Noe, Jr.	James S. Shaw
Clyde S. Howard	Joe E. Nunn	Geo. W. Steinfeld
W. E. McClure	L. W. Preston	Rodney Whitlow

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. No. 205. An Act relating to the Highway Board of Claims, with particular reference to the time of holding meet-

ings; amending section 173.300 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 176.300 of the Kentucky Revised Statutes is amended to read as follows:

The board shall hold regular sessions at Frankfort, Kentucky, in January, May, and September, beginning on a day to be fixed by the board, and such special sessions at such places as it deems necessary to expedite the business of the board. The board shall establish rules for its government and for the regulation of the method of pleading and practice before it. Any member thereof may subpoena witnesses, administer or cause to be administered oaths.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	G. I. Drury	E. H. Martin
Sidney Baer	Otto W. Goff	C. D. Moberly
Levi Baker	N. M. Hamilton	Archie R. More
Bernhardt Bauer	Carson Hibbitts	Davis Moore
Fred Beshear	Richard R. Houpt	Walter Moorman
Mrs. Mary Burnett	Clyde S. Howard	Fred H. Morgan
Chas. W. Burnley	Ira W. Hulette	E. C. Mullins
A. H. Calvert	Kerby Jennings	Joe E. Nunn
Earl W. Christian	J. Ernest Jones	H. C. Patterson
Robert Collins	Ercel Kozee	H. M. Pewitt
Perry M. Cross	Harry K. Lowman	J. H. Polsgrove
Horace T. Cull	W. E. McClure	L. W. Preston

E. F. Prichard	Dr. K. N. Salyer	J. B. Veech
Hobart Rayburn	Paul E. Shannon	John C. Watts
Ottis Roberts	James S. Shaw	Lawrence Watts
F. L. Robinson	G. C. Thornton	Geo. F. Williamson
Lilburn S. Rogers	Wilford S. Travis	Charles W. Wirsch
Glenn Rushing		—52

Those who voted in the negative were—

Geo. W. Steinfeld	Rodney Whitlow	—2
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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. No. 85. An Act amending Sub-section (3) of Section 90.320 of the Kentucky Revised Statutes, relating to civil service in cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sub-section (3) of Section 90.320 of the Kentucky Revised Statutes is amended to read as follows:

Every soldier, sailor, marine, members of the air forces, Army Nurses Corps and members of other branches of the military services and Red Cross nurses who served during the period of hostilities between the United States and the Central Powers in World War I and between the United States and Japan and Germany in World War II, who has been honorably discharged, is a resident voter of the city and who is an

applicant for any position of civil service of that city shall be entitled to five per cent increase on his examination mark.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Ira W. Hulette	E. F. Prichard
Sidney Baer	Kerby Jennings	Hobart Rayburn
Levi Baker	J. Ernest Jones	Ottis Roberts
Bernhardt Bauer	Ercel Kozee	F. L. Robinson
Fred Beshear	Harry K. Lowman	Lilburn S. Rogers
Mrs. Mary Burnett	W. E. McClure	Glenn Rushing
Chas. W. Burnley	E. H. Martin	Dr. K. N. Salyer
A. H. Calvert	C. D. Moberly	Paul E. Shannon
Earl W. Christian	Archie R. Moore	James S. Shaw
Robert Collins	Davis Moore	G. C. Thornton
Perry M. Cross	Walter Moorman	Wilford S. Travis
Horace T. Cull	Fred H. Morgan	J. B. Veech
G. I. Drury	E. C. Mullins	John C. Watts
Otto W. Goff	Joe E. Nunn	Lawrence Watts
N. M. Hamilton	H. C. Patterson	Geo. F. Williamson
Carson Hibbitts	H. M. Pewitt	Charles W. Wirsch
Richard R. Houpt	J. H. Polsgrove	
Clyde S. Howard	L. W. Preston	

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Those who voted in the negative were—

Geo. W. Steinfeld Rodney Whitlow

—2

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills and a resolution of the following titles, viz.:

S. B. No. 135. An Act making provisions for the certification of clinical psychologists, through a State Board of Examiners of Psychologists.

S. B. No. 141. An Act providing for the operation of canteens at State Welfare Institutions.

S. B. No. 157. An Act relating to persons who are, or who are alleged or believed to be, mentally incompetent; including provisions as to observation, treatment, hospitalization, inquests, care, custody, and examination.

S. B. No. 207. An Act relating to membership in the Teachers' Retirement System; amending KRS 161.240 so as to provide for eligibility to membership for present and future members of the instructional and administrative staffs of public Junior Colleges established and maintained under 165.160 to 165.260, KRS, inclusive.

S. B. No. 165. An Act relating to procuring and purchasing files, office equipment and supplies for use in the Franklin Circuit Court for the accommodation and preservation of records of State Fiscal suits and records filed in the Franklin Circuit Court by and against the Commonwealth of Kentucky and the departments thereof and providing for the payment therefor.

S. B. No. 238. An Act relating to the state parks; providing for the commissioning of certain employes of the Division of Parks as peace officers, and providing a penalty for the violation of regulations governing the parks.

S. B. No. 112. An Act to repeal, amend, and re-enact Section 276.060 Kentucky Revised Statutes with respect to authorizing the Kentucky Railroad Commission to employ clerical and other help necessary to enable it to promptly and efficiently perform the duties required of it by the Constitution and Statutes of Kentucky.

S. B. No. 113. An Act repealing Subsection (25) of Section 276.990, Kentucky Revised Statutes and repealing, amending and re-enacting Section 276.480, Kentucky Revised Statutes, so as to provide a penalty for the violation of any prohibition in said Section 276.480.

S. B. No. 191. An Act relating to the budget and financial administration law of the Commonwealth, amending KRS 45.160, 45.190, 45.200 and repealing Section 45.130 of the Kentucky Revised Statutes.

S. B. No. 54. An Act amending and re-enacting Sections 116.180 and 116.190 of the Kentucky Revised Statutes, relating to the number of voters in election precincts.

S. B. No. 342. An Act creating the Kentucky Building Commission for the purpose of authorizing, approving and supervising the expenditure of State funds for certain State agencies and institutions, for purposes of capital outlay, and defining the powers and duties of such Commission.

S. B. No. 115. An Act to amend Section 186 of the Constitution of the Commonwealth of Kentucky relating to distribution of public school funds.

S. B. No. 105. An Act relating to research in the fields of medicine and surgery; creating a Medical Research Commission with authority to provide for a research program; and making appropriations for the purpose.

S. B. No. 240. An Act relating to property subject to taxation; providing an exemption for certain unmanufactured agricultural products.

S. B. No. 62. An Act concerning license taxes and disposition of license fees in cities of the first class.

S. B. No. 221. An Act relating to mutual insurance companies, other than life; amending KRS 301.050 and 301.070 and subsection (1) of KRS 301.030.

S. Res. No. 19. An Joint Resolution authorizing W. B. Tatum to file suit against the Commonwealth of Kentucky, the Department of Highways and the Highway Patrol, or any one or more of them.

Thereupon all other business was suspended, said bills and said resolution were each and severally read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills and said resolution be delivered to the Enrolling Clerk of the Senate.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in the House of the following titles, viz.:

H. Res. No. 9. A Joint Resolution authorizing B. H. Kelley to sue the Commonwealth of Kentucky.

H. Res. No. 10. A Joint Resolution authorizing James A. Newman to sue the Commonwealth of Kentucky.

H. Res. No. 11. A Joint Resolution authorizing C. Bruce Daniel to sue the Commonwealth of Kentucky.

H. Res. No. 15. Resolution authorizing Coet Shepherd by his statutory guardian or next friend to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky, or either.

H. Res. No. 16. A Joint Resolution authorizing Maude Turner Herald to file suit against the Commonwealth of Ken-

tucky, the Department of Education and the Mayo State Vocational School, or any one or more of them.

H. Res. No. 23. A Joint Resolution authorizing the payment of Sheriffs' fees as provided in KRS 64.070 to Charles V. Hall of Jeffersontown, Kentucky, for transportation of certain prisoners from Gallatin County, Kentucky, to the Kentucky State Reformatory at LaGrange, Kentucky, during 1944 and 1945.

H. Res. No. 25. Joint Resolution, authorizing the removal of an unrealized account carried on the account records of the Department of Finance and the Department of the Treasury.

H. Res. No. 27. A Joint Resolution authorizing the payment, to Lee Swanner of London, Kentucky, of certain witness claims allowed by the Laurel Circuit Court and the Rowan Circuit Court.

H. Res. No. 30. A Joint Resolution authorizing the payment of judges' examining trial fees as provided by Kentucky Revised Statutes 26.180 and 64.220 to John O. Hardin of Hopkinsville, Christian County, Kentucky, Judge of Police Court of the City of Hopkinsville, for certain examining trials held in said court during the years 1942, 1943, 1944, 1945, 1946, and 1947.

H. Res. No. 35. A Joint Resolution providing for the designation, as "The United Spanish War Veterans' Memorial Highway," of that portion of U. S. Highway No. 23 that passes through Kentucky, and for the suitable marking of the same.

H. Res. No. 42. A Joint Resolution authorizing Anderson Hays to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

H. Res. No. 44. A Joint Resolution authorizing Richmond Salyer, of Salyersville, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 45. A Joint Resolution authorizing Morgan Wireman, as administrator of the estate of Johnny Wireman, Salyersville, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 47. A Resolution authorizing E. H. Marhoefer, Jr. Company to sue the Commonwealth of Kentucky; authorizing a compromise or settlement of such claim or suit; and providing for the payment of any judgment obtained or the amount of any settlement agreed upon.

H. Res. No. 49. A Joint Resolution providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

H. Res. No. 50. A Joint Resolution authorizing payment of the claim of Charles H. White, of Manchester, Kentucky, for services rendered in the capacity of sheriff of Clay County; and appropriating the necessary sum for the purpose.

H. Res. No. 51. A Joint Resolution authorizing and directing the payment of the sum of \$83.02 to Eugene Limville, for services rendered as circuit court clerk of Robertson County, Kentucky, and appropriating that amount from the State Treasury.

H. Res. No. 52. A Joint Resolution appropriating from the General Expenditure Fund in the State Treasury, and authorizing and directing the payment to Mr. J. D. Kennedy, ex-jailer of Madison County, the sum of \$480.00.

H. Res. No. 53. A Joint Resolution appropriating from the General Expenditure Fund in the State Treasury the sum of \$55.15, and authorizing and directing the payment of the same to D. D. Gullett, of Fannin, Kentucky.

H. Res. No. 55. Resolution authorizing H. C. Yeager to sue the Commonwealth of Kentucky.

H. Res. No. 56. A Joint Resolution authorizing Eva Emerine, Roy Emerine, individually and as parent and next friend of Marline Emerine and Royalyn Emerine, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

H. Res. No. 62. A Joint Resolution authorizing payment of the claim of A. R. Pollock, sheriff of McLean County, for services rendered in the return of fugitives from justice, and making an appropriation for the purpose.

H. Res. No. 63. A Joint Resolution authorizing Frank E. Moore, of Frankfort, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 64. A Joint Resolution authorizing Mrs. Martha Howard and Ella Howard, of Magoffin County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 66. A Joint Resolution authorizing L. B. Love, Lewis County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either of them.

H. Res. No. 69. A Joint Resolution repealing, amending and re-enacting Section 1 of Chapter 267 of the Acts of the General Assembly of Kentucky at its regular session 1942, and approved by the Governor March 2, 1942, so as to enable the Governor within his discretion to renew Interstate Compacts to Conserve Oil and Gas.

H. Res. No. 70. A Joint Resolution providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the distribution of the money so appropriated; and declaring an emergency.

H. Res. No. 71. A Joint Resolution authorizing W. W. Owen, Jr., of Daviess County, Kentucky, to sue the Commonwealth of Kentucky.

H. B. No. 255. An Act relating to the State Fair Board, with particular relation to the membership thereof and the terms of the members.

H. B. No. 304. An Act repealing and reenacting Section 70.030 Kentucky Revised Statutes relating to deputy sheriffs and their salaries.

H. B. No. 313. An Act providing that certain roads be added to the state primary road system.

H. B. No. 447. An Act relating to education in fields related to health, with particular reference to the education of, and the training of nurses and doctors of the Negro race.

H. B. No. 451. An Act relating to record books, repealing, amending and re-enacting Section 28.130 of the Kentucky Revised Statutes.

H. B. No. 453. An Act to amend Section 41.220 of the Kentucky Revised Statutes relative to designation of state bank depositories.

H. B. No. 462. An Act to amend Section 220.360 of the Kentucky Revised Statutes, being part of Chapter 220 of said Statutes, pertaining to sanitation districts, by providing for a second and a third tax upon property within the district to be used for the purpose of paying for surveys, plans, engineering work and general expenses.

H. B. No. 463. An Act to amend Section 220.510 of Kentucky Revised Statutes, being a part of Chapter 220 of said Statutes, pertaining to sanitation districts, and providing ways by which the board of such sanitation districts may collect for services rendered from the users of sewer services or sewage disposal services.

H. B. No. 464. An Act relating to the annexation by cities of areas included in sanitation districts organized under Chapter 220 of the Kentucky Revised Statutes.

H. B. No. 472. An Act relating to the board of supervisors of cities of the third class; amending subsection (1) of Section 92.480 of the Kentucky Revised Statutes.

H. B. No. 484. An Act relating to high school service for war veterans.

H. B. No. 485. An Act relating to school taxes, amending Section 160.460 of the Kentucky Revised Statutes.

H. B. No. 486. An Act appropriating money out of the General Expenditure Fund to supply deficiencies in appropriations heretofore made to the following offices, departments, divisions, commissions, institutions, and sub-divisions of the State Government.

H. B. No. 487. An Act appropriating money out of the General Expenditure Fund in the State Treasury for the fiscal year ending June 30, 1948, for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing of former appropriations against which such claims were chargeable.

H. B. No. 488. An Act relating to the licensing of motor vehicles owned by governmental units, amending Section 186.060 and Section 186.240 of the Kentucky Revised Statutes.

Ordered that said bills and said resolutions be delivered to the Enrolling Clerk of the House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 14. An Act relating to taxation by cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Cities of all classes are authorized to levy and collect any and all taxes provided for in Section 181 of the Constitution of the Commonwealth of Kentucky, and to use the revenue therefrom for such purposes as may be provided by the legislative body of the city.

This Act shall not in any wise repeal, amend, effect or apply to any existing statute exempting property from local taxation or fixing a special rate on proper classification or imposing a State tax which is declared to be in lieu of all local taxation.

Mr. John C. Watts offered the following amendment to said bill, viz.:

Amendment No. 1. Amend Senate Bill No. 14, in the House, by inserting, between lines 4 and 5, the following additional paragraph:

“Nothing in this Act shall be construed to repeal, amend or affect in any way the provisions of KRS 243.070.”

Said Amendment No. 1 to said bill was agreed to.

Mr. Baer offered the following amendment to said bill, viz.:

Amendment No. 2. Amend printed copy of Senate Bill No. 14, on page 1, by adding at the end thereof the following paragraph.

“This Act shall also be subject to the provisions of Kentucky Revised Statutes, Section 91.200.”

Said Amendment No. 2 to said bill was agreed to.

Mr. John C. Watts offered the following amendment to said bill, viz.:

Amendment No. 3. Amend Senate Bill No. 14, in the House of Representatives, by substituting a comma for the

period at the end of page one, following the word "taxation," and added the following words:

"nor shall it be construed to authorize a city to require any company that pays both an ad valorem tax and a franchise tax to pay a license tax."

Said Amendment No. 3 to said bill was agreed to.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	C. J. Holsclaw	E. F. Prichard
Sidney Baer	Richard R. Houpt	Hobart Rayburn
C. E. Baumgardner	R. N. Hubbard	Ottis Roberts
Fred Beshear	Kerby Jennings	F. L. Robinson
Chas. J. Bronston	L. H. Jones	Lilburn S. Rogers
Mrs. Mary Burnett	Ercel Kozee	Amos Runyan
Chas. W. Burnley	W. E. McClure	Glenn Rushing
Earl W. Christian	F. G. Marquette	Chas. L. Spillman
George I. Cline	E. H. Martin	John M. Stumbo
Everett T. Cooper	Walter Moorman	G. C. Thornton
Perry M. Cross	Fred H. Morgan	Wilford S. Travis
Kermit Dwyer	E. C. Mullins	J. B. Veech
Otto W. Goff	Thomas A. Noe, Jr.	John C. Watts
N. M. Hamilton	Joe E. Nunn	Lawrence Watts
Carson Hibbitts	H. M. Pewitt	Morris Weintraub
E. R. Hilton	J. H. Polsgrove	—47

Those who voted in the negative were—

Earl F. Ashcraft	C. D. Moberly	James J. Shannon
Henry C. Hale	L. W. Preston	Rodney Whitlow
Clyde S. Howard	Dr. K. N. Salyer	
J. Ernest Jones	LeRoy Saylor	—10

Resolved that the title thereto be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had reconsidered a bill which originated in this House entitled, viz.:

H. B. No. 435. An Act relating to revenue and taxation, providing for licensing and fixing the amount of license fees for the privilege of operating or permitting to be operated certain lawful coin or token operated vending machines or devices, and making an appropriation to the Department of Revenue for administration.

And had receded from an amendment to said bill as previously proposed and adopted by the Senate, viz.:

Amendment No. 1. (For amendment see H. J. of today, ante.)

And had repassed said bill with an amendment thereto as proposed and adopted by the Senate, viz.:

Amendment No. 1A. Amend House Bill No. 435 in the Senate by adding to Section 1, page 2, line 12, between the words "machine" and "or", the words "coin operated radios, pop-corn vending machines,".

(For bill see H. J. of March 15, ante.)

(For Amendments Nos. 2 and 3 as proposed and adopted by the Senate and concurred in by the House, see H. J. of today, ante.)

Said Amendment No. 1A as proposed and adopted by the Senate was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	N. M. Hamilton	Walter Moorman
Earl F. Ashcraft	James P. Hanratty	E. C. Mullins
Sidney Baer	Dennis Henderson	Thomas A. Noe, Jr.
Levi Baker	Carson Hibbitts	Joe E. Nunn
C. E. Baumgardner	E. R. Hilton	H. M. Pewitt
Fred Beshear	C. J. Holsclaw	J. H. Polsgrove
Chas. J. Bronston	Richard R. Houpt	Ottis Roberts
Mrs. Mary Burnett	Clyde S. Howard	F. L. Robinson
Chas. W. Burnley	R. N. Hubbard	Lilburn S. Rogers
A. H. Calvert	Ira W. Hulette	Amos Runyan
Earl W. Christian	Laban P. Jackson	Glenn Rushing
George I. Cline	Kerby Jennings	Chas. L. Spillman
Everett T. Cooper	Paul S. Jonas	Geo. W. Steinfeld
Horace T. Cull	J. Ernest Jones	John M. Stumbo
B. G. Davidson	L. H. Jones	G. C. Thornton
Kermit Dwyer	Ercel Kozee	Wilford S. Travis
Otto W. Goff	W. E. McClure	John C. Watts
Henry C. Hale	Davis Moore	Morris Weintraub

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Those who voted in the negative were—

C. D. Moberly	Harmon S. Overby	Albert Thomason
Fred H. Morgan	E. F. Prichard	

—5

Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Calvert moved that the rules be suspended for the purpose of offering a resolution.

Said motion was agreed to by a majority of the members elected.

Thereupon,

Mr. Calvert offered the following resolution, viz.:

H. Res. No. 77. A Concurrent Resolution memorializing the Congress of the United States concerning the acquisition and maintenance, as a National Shrine, of the Albert Sidney Johnson home, the old courthouse and old post office, located in the town of Washington, in Mason County, Kentucky.

Said resolution is as follows, viz.:

Whereas, Albert Sidney Johnson, has properly and justly been recognized by historians as one of the greatest Generals of the Confederate Forces during the War Between the States, and it is fitting and proper that his home be maintained and perpetuated as a symbol, to the people of our Nation, of the spirit and leadership which played so great a part in the development of our Nation; and

Whereas, the old courthouse in the town of Washington, in Mason County, Kentucky, and the old postoffice, which was the first postoffice established west of the Allegheny Mountains, are representative of the traditions of our Nation, and of the vision and courage of those men who expanded our frontier westward:

Now, Therefore,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate Concurring Therein:

That the Congress of the United States be and it hereby is memorialized to enact such legislation as may be required to provide for the acquisition and maintenance, as National Shrines, of the Albert Sidney Johnson home and the old courthouse and old postoffice located in the town of Washington, in Mason County, Kentucky.

That the Clerk of the House of Representatives is directed to forward a copy of this Resolution to the Clerk of each house

in Congress, and to each Senator and Representative in Congress from Kentucky.

Said resolution was adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 319. An Act for the consolidation of the offices of sheriff and jailer in counties containing a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The offices of sheriff and jailer in counties containing a city of the first class shall be consolidated, but the office of sheriff shall be retained; and the sheriff hereafter in such counties shall perform the duties of jailer.

§ 2. This Act shall take effect on January 2, 1950.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Chas. J. Bronston	Everett T. Cooper
Sidney Baer	Mrs. Mary Burnett	Perry M. Cross
Levi Baker	Chas. W. Burnley	Horace T. Cull
Bernhardt Bauer	Earl W. Christian	B. G. Davidson
C. E. Baumgardner	George I. Cline	G. I. Drury
Fred Beshear	Robert Collins	Kermit Dwyer

Otto W. Goff	Ercel Kozee	Amos Runyan
James P. Hanratty	W. E. McClure	Glenn Rushing
Dennis Henderson	F. G. Marquette	Dr. K. N. Salyer
Carson Hibbits	Archie R. Moore	James J. Shannon
C. J. Holsclaw	Walter Moorman	Paul E. Shannon
Richard R. Houpt	E. C. Mullins	Chas. L. Spillman
R. N. Hubbard	Joe E. Nunn	Geo. W. Steinfeld
Ira W. Hulette	H. M. Pewitt	Albert Thomason
Laban P. Jackson	J. H. Polsgrove	G. C. Thornton
Kerby Jennings	L. W. Preston	J. B. Veech
J. Ernest Jones	E. F. Prichard	John C. Watts
L. H. Jones		—52

Those who voted in the negative were—

Earl F. Ashcraft	C. D. Moberly	Ottis Roberts
Clyde S. Howard	Thomas A. Noe, Jr.	Rodney Whitlow
		—6

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 320. An Act providing for the use, operation and administration of jails in counties containing a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Upon the consolidation of the offices of sheriff and jailer and the establishment of a workhouse or penal farm in any county containing a city of the first class, no person there-

after, except in cases of contempt of court, shall be sentenced to the county jail, nor shall serve any time therein. The jail in such county shall function only as a holdover or station house for the retention of persons awaiting trial, sentence or transfer, and shall be administered by the sheriff by his appointment of a superintendent therefor experienced in penal administration. The sheriff shall receive the same fees as jailers receive for the care and maintenance of said persons son confined and said fees and the other fees of his office shall be available for the operation thereof. It shall be the duty of the fiscal court of such county to appropriate money from the general funds for the operation of such jail or holdover in event the fees of his office are insufficient properly to care for the persons confined therein. Any city within the county may use such jail upon payment of the fees set out in KRS 64.150.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Horace T. Cull	Kerby Jennings
Sidney Baer	B. G. Davidson	J. Ernest Jones
Levi Baker	G. I. Drury	L. H. Jones
Bernhardt Bauer	Kermit Dwyer	Ercel Kozee
C. E. Baumgardner	Otto W. Goff	W. E. McClure
Fred Beshear	James P. Hanratty	F. G. Marquette
Chas. J. Bronston	Dennis Henderson	C. D. Moberly
Mrs. Mary Burnett	Carson Hibbitts	Archie R. Moore
Chas. W. Burnley	C. J. Holsclaw	Walter Moorman
Earl W. Christian	Richard R. Houpt	E. C. Mullins
George I. Cline	Clyde S. Howard	Thomas A. Noe, Jr.
Robert Collins	R. N. Hubbard	Joe E. Nunn
Everett T. Cooper	Ira W. Hulette	H. M. Pewitt
Perry M. Cross	Laban P. Jackson	J. H. Polsgrove

L. W. Preston	Dr. K. N. Salyer	Albert Thomason	
E. F. Prichard	James J. Shannon	G. C. Thornton	
Ottis Roberts	Paul E. Shannon	J. B. Veech	
Amos Runyan	Chas. L. Spillman	John C. Watts	
Glenn Rushing	Geo. W. Steinfeld		—56

Those who voted in the negative were—

Earl F. Ashcraft	Rodney Whitlow	—2
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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of Day, a bill entitled:

S. B. No. 321. An Act providing for the acquisition, use, operation and administration of a workhouse or penal farm in counties containing a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The fiscal court of any county containing a city of the first class may purchase sufficient land any place within said county for use as a workhouse or penal farm and have constructed thereon facilities for the housing and rehabilitation of persons convicted by any of the courts in such county. The cost of such land and facilities shall be paid out of the county levy. A superintendent experienced in penal administration appointed by the county director of welfare and removable only for good cause shall supervise said institution, and employ the necessary personnel for the operation thereof. If there is no director of welfare in such county, the superintendent shall be appointed by the fiscal court. He shall not

be limited to the provisions of KRS 441.150 as to the salaries paid to guards or other employes, nor by KRS 441.120 as to the employment of persons confined therein. The fiscal court shall receive such fees from the Commonwealth of Kentucky for the care and maintenance of persons confined therein as would be paid by said Commonwealth if such persons were confined in a county jail.

§ 2. Any city may use such penal farm or workhouse by payment of fees proportionate to the cost of the maintenance thereof.

§ 3. Such workhouse or penal farm may be designated by some other name by the fiscal court of such county.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	G. I. Drury	W. E. McClure
Sidney Baer	Kermit Dwyer	F. G. Marquette
Levi Baker	Otto W. Goff	C. D. Moberly
Bernhardt Bauer	James P. Hanratty	Archie R. Moore
C. E. Baumgardner	Dennis Henderson	Walter Moorman
Fred Beshear	Carson Hibbitts	E. C. Mullins
Chas. J. Bronston	C. J. Holsclaw	Thomas A. Noe, Jr.
Mrs. Mary Burnett	Richard R. Hought	Joe E. Nunn
Chas. W. Burnley	Clyde S. Howard	H. M. Pewitt
Earl W. Christian	R. N. Hubbard	J. H. Polsgrove
George I. Cline	Ira W. Hulette	L. W. Preston
Robert Collins	Laban P. Jackson	E. F. Prichard
Everett T. Cooper	Kerby Jennings	Ottis Roberts
Perry M. Cross	J. Ernest Jones	Amos Runyan
Horace T. Cull	L. H. Jones	Glenn Rushing
B. G. Davidson	Ercel Kozee	Dr. K. N. Salyer

James J. Shannon	Geo. W. Steinfeld	J. B. Veech	
Paul E. Shannon	Albert Thomason	John C. Watts	
Chas. L. Spillman	G. C. Thornton		—56

Those who voted in the negative were—

Earl F. Ashcraft	Rodney Whitlow	—2
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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last.named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 322. An Act providing for the parole of persons confined in the workhouse or penal farm for counties containing a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The director of welfare of any county containing a city of the first class may promulgate rules and regulations for the creation, supervision and operation of a system of parole whereby there may be deduction for good conduct from the time of persons confined in the workhouse or penal farm of such county by reason of a judgment of any court within such county, notwithstanding KRS 439.090. Provided however, said system shall not become effective until such rules and regulations are approved by the fiscal court of such counties and may be amended by a similar procedure. If there is no director of welfare in such county, the fiscal court shall have the exclusive authority to promulgate such rules and regulations.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	James P. Hanratty	Thomas A. Noe, Jr.
Sidney Baer	Dennis Henderson	Joe E. Nunn
Levi Baker	Carson Hibbitts	H. M. Pewitt
Bernhardt Bauer	C. J. Holsclaw	J. H. Polsgrove
C. E. Baumgardner	Ricahrd R. Houpt	L. W. Preston
Fred Beshear	Clyde S. Howard	E. F. Prichard
Chas. J. Bronston	R. N. Hubbard	Ottis Roberts
Mrs. Mary Burnett	Ira W. Hulette	Amos Runyan
Chas. W. Burnley	Laban P. Jackson	Glenn Rushing
Earl W. Christian	Kerby Jennings	Dr. K. N. Salyer
George I. Cline	J. Ernest Jones	James J. Shannon
Robert Collins	L. H. Jones	Paul E. Shannon
Everett T. Cooper	Ercel Kozee	Chas. L. Spillman
Perry M. Cross	W. E. McClure	Geo. W. Steinford
Horace T. Cull	F. G. Marquette	Albert Thomason
B. G. Davidson	C. D. Moberly	G. C. Thornton
G. I. Drury	Archie R. Moore	J. B. Veech
Kermit Dwyer	Walter Moorman	John C. Watts
Otto W. Goff	E. C. Mullins	—56

Those who voted in the negative were—

Earl F. Ashcraft	Rodney Whitlow	—2
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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 268. An Act to revise and perfect the Kentucky Revised Statutes and the Codes of Practice by repealing certain provisions that have been impliedly repealed or have become obsolete.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 62.155 of the Kentucky Revised Statutes is amended to read as follows:

With the exception of the sheriff's county levy bond, and with the exception of those bonds upon which the premium is now paid by the state or county under the provisions of KRS 62.140 (2), 62.150, 64.120 or 64.125, each sheriff shall have a valid claim against the state for the amounts paid by him for premiums on the bonds required of him by law, when the bonds have been executed by an incorporated surety company authorized to do a surety business in Kentucky, and when the claims are verified by the sheriff's affidavit.

§ 2. Subsection (1) of Section 78.010, and all of Sections 78.020 to 78.140 of the Kentucky Revised Statutes, are repealed.

§ 3. Subsection (6) of Section 81.010 of the Kentucky Revised Statutes is amended to read as follows:

(6) All other incorporated cities belong to the sixth class.

§ 4. Section 81.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city of the third, fifth or sixth class may, by ordinance, have a census taken to determine whether the population of the city entitles it to be placed in another class.

The census may be considered by the General Assembly in determining whether the city shall be assigned to another class.

(2) When a city of the third, fifth or sixth class has been assigned by the General Assembly to another class, it shall thereafter be governed by and under the general laws relating to the class to which it has been assigned, but the transfer from one class to another shall not affect any ordinance theretofore enacted by the city, except that any ordinance in conflict with the general laws relating to cities of the class to which the city has been assigned shall be repealed to the extent it so conflicts. The powers, rights, duties, or obligations of the city, or of any officer, employe, debtor or creditor of the city shall not be affected by the transfer.

§ 5. Section 81.040 of the Kentucky Revised Statutes is amended to read as follows:

No city may be incorporated unless at least 125 inhabitants reside within the boundaries proposed to be established for the city. The boundary of any city, when incorporated, shall not exceed one-half mile in each direction, the form of the city being square, except that any incorporated taxing district having by its charter a grant of municipal powers and exercising them, and having at least 250 inhabitants residing within the boundary proposed to be established for the city, may be incorporated as a city with its present territorial boundaries.

• § 6. Section 81.050 of the Kentucky Revised Statutes is amended to read as follows:

Proceedings to incorporate a city shall be commenced by a petition signed by at least two-thirds of the voters living within the boundary of the proposed city, or, in case of an incorporated taxing district having by charter a grant of municipal powers and exercising them, by its petition accompanied by request for such action signed by a majority of the voters be filed in the circuit clerk's office of the county in which the greater part of the territory is located, not less than twenty days before the commencement of the next regular term of court. Notice of the filing of the petition and of its object shall

be given by publication in two issues of some newspaper of general circulation published in the county, or, if there is none, by notices posted for at least ten days before the commencement of the term, one at the courthouse door and three others at public places within the boundary of the proposed city. The petition shall set out the metes and bounds of the proposed city, the number of the voters in it and such other facts as may be thought proper.

§ 7. Section 81.060 of the Kentucky Revised Statutes is amended to read as follows:

On the second day of the term the court shall, if the proper notice has been given or publication made, and no defense is interposed, enter a judgment establishing a town in accordance with the prayer of the petition, naming it and describing the boundary thereof, by metes and bounds, and appointing therefor not less than five trustees, a police judge, marshal and assessor, who shall hold their respective offices until the next election at which officers for cities and towns may be elected. Defense may be made to the petition by any inhabitant of the proposed town, and if defense is made, the court shall hear and determine the same, and render a judgment establishing or refusing to establish a town, as may seem proper. But if the court shall be satisfied that the population within the prescribed boundary is sufficient, and the proper notice or publication has been made or given, it shall have no discretion as to the establishment of the town. The pleadings and practice, except as herein provided, shall be the same as in equity causes, but no appeal shall lie from the judgment. Whenever any town shall be established in the manner above provided, the court shall in the judgment direct the clerk of the court wherein such judgment is entered to, not later than ten days thereafter, certify a copy thereof to the Secretary of State, whose duty it shall be to properly index and file the same as a permanent record in his office.

§ 8. Section 81.070 of the Kentucky Revised Statutes is amended to read as follows:

After a judgment establishing a city has been rendered, and until the General Assembly has assigned the city to the

class to which it belongs, all general laws relating to cities of the sixth class shall apply to the city. If the city has not been assigned to another class before the first regular election held after its establishment at which officers for cities may be elected, an election shall be held as provided in the law relating to cities of the sixth class. When the city is assigned to the class to which it belongs, all of the laws relating to cities of that class shall apply to the city.

§ 9. Sections 137.200 to 137.250, and subsection (5) of Section 137.990, of the Kentucky Revised Statutes, are repealed.

§ 10. Section 160.620 of the Kentucky Revised Statutes is repealed.

§ 11. Sections 199.031 to 199.034 of the Kentucky Revised Statutes are repealed.

§ 12. Section 28.150 of the Kentucky Revised Statutes is repealed.

§ 13. Sections 80.730 to 80.800 of the Kentucky Revised Statutes are repealed, and in lieu thereof there is enacted the following section:

Any project to provide housing for persons in National Defense work, undertaken or developed by any housing commission under the provisions of former KRS 80.730 to 80.800, prior to the repeal of those sections, shall hereafter be administered by the housing commission for the purposes and in accordance with the provisions of KRS 80.010 to 80.250, or 80.310 to 80.610, depending upon whether the commission is a municipal or a county or regional commission.

§ 14. Sections 80.801 to 80.842 of the Kentucky Revised Statutes are repealed.

§ 15. Section 133.015 of the Kentucky Revised Statutes is repealed.

§ 16. Section 148.180 of the Kentucky Revised Statutes is repealed.

§ 17. Sections 157.070, 157.080 and 157.090 of the Kentucky Revised Statutes are repealed.

§ 18. Sections 205.090 to 205.150, and subsection (2) of Section 205.990, of the Kentucky Revised Statutes, are repealed.

§ 19. Sections 247.390 to 247.460 of the Kentucky Revised Statutes are repealed.

§ 20. Subsection (1) of section 297.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) A Custodian of Insurance Securities shall be appointed by the Governor in accordance with the laws governing other executive appointments. He shall receive a salary of two hundred dollars per month, payable as other state salaries, but out of funds contributed for that purpose by the insurance companies as provided by KRS 297.350.

§ 21. Subsection (1) of section 297.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Director of the Division of Insurance shall designate not less than one nor more than three good and solvent banks or trust companies, in each county containing a city of the first class, whose vaults shall be used as depositories for the securities of insurance companies.

§ 22. Section 341.510 of the Kentucky Revised Statutes is amended to read as follows:

(1) Money shall be requisitioned from the state's account in the Unemployment Trust Fund solely for the payment of benefits and in accordance with regulations prescribed by the commission. The commission, through the State Treasurer acting as its fiscal agent, shall from time to time requisition from the Unemployment Trust Fund such amounts, not exceeding the amounts standing to this state's accounts therein, as it considers necessary for the payment of benefits for a reasonable future period.

(2) Upon receipt thereof the treasurer shall deposit such money in the benefit account and shall issue his vouchers for the payment of benefits solely from such benefit account.

Expenditures of such money in the benefit account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody. All vouchers issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the approval in writing of the Commissioner of Finance.

(3) Any balance of money requisitioned from the Unemployment Trust Fund that remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the commission, shall be redeposited with the Secretary of the Federal Treasury to the credit of this state's account in the Unemployment Trust Fund, as provided in KRS 341.500.

§ 23. Section 341.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission shall maintain within the fund a separate reserve account for each subject employer, and shall, except as provided in KRS 341.560, credit to such account the total amount of all contributions paid by the employer on his own behalf. The liability of each such account shall be limited to the payment of benefits to eligible workers.

(2) The benefits paid to an eligible worker for a week of unemployment shall be charged proportionately against the accounts of those of his subject employers from whom he has base-year or base-period wages. The proportion so used shall be that ratio which is obtained by dividing the base-year or base-period wages of a worker from such employer by the total base-year or base-period wages of such worker, adjusted to the nearest multiple of one percent. For the purposes of this subsection a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more in which case it shall be increased to one cent.

(3) Each subject employer's reserve account shall, unless terminated or exhausted as of the computation date (as defined in subsection (5) of KRS 341.270) be charged with

all benefits paid to eligible workers which are chargeable to such reserve account under subsection (2) of this section. A subject employer's reserve account shall be deemed to be terminated if he has ceased to be subject to this chapter, and his account has been closed and any balance remaining therein has been credited to the fund's pooled account or to a successor's account as provided in KRS 341.540.

(4) Any subject employer may at any time make voluntary payments, additional to the contributions required under KRS 341.260 and 341.270 to his reserve account, according to the general rules established by the commission.

§ 24. Subsection (1) of Section 69.275 of the Kentucky Revised Statutes is amended to read as follows:

The office of assistant county attorney in counties having a population of less than 150,000 and not containing a city of the second, third or fourth class, is hereby created.

§ 25. Section 120.020 of the Kentucky Revised Statutes is amended to read as follows:

The electors of President and Vice President of the United States shall convene at the State Capitol, on the day and at the hour specified by Act of Congress, give their votes and make return thereof according to law. If any elector fails to attend by the hour specified for giving the vote, those in attendance shall fill his place by the election of another person, who shall have the same powers as if originally elected by the people.

§ 26. Section 92.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) The assessor of each city of the fifth class shall, between September 15 and November 15 of each year, make out a true list of all taxable property in the city. The assessor of each city of the sixth class shall make out a similar list between July 1 and November 1 of each year. The mode of making out the list and the proceedings relating thereto, in cities of the fifth and sixth classes, shall be in conformity with the laws regulating the duties of the county tax commissioner, except as otherwise provided by statute or by ordinance. The

assessor in each city of the fifth or sixth class shall verify the list by his oath, and shall deposit it with the city clerk on or before the first Monday in December.

(2) The assessor of each city of the fifth or sixth class shall also, during the time allowed for making out the assessment list, make a list of all persons residing within the city and verify it by oath, and shall deposit it with the city clerk on or before the first Monday in December.

(3) The assessor and his deputy in each city of the fifth or sixth class may administer all oaths necessary in the performance of their duties.

§ 27. Section 161.516 of the Kentucky Revised Statutes is repealed.

§ 28. Section 342.011 of the Kentucky Revised Statutes is repealed.

§ 29. Section 395.090 of the Kentucky Revised Statutes is repealed.

§ 30. Paragraph 1 of Section 428 of the Civil Code of Practice, is amended to read as follows:

1. A representative, legatee, distributee or creditor of a deceased person may bring an action in equity for the settlement of his estate, provided that no such suit shall be brought by any of the parties named except the personal representative until the expiration of five months after the qualification of such representative.

§ 31. Section 413.240 of the Kentucky Revised Statutes is amended to read as follows:

The limitations given in KRS 413.220 and 413.230 shall not apply to the time elapsed when there was no executor, administrator or other person authorized to commence an action, nor to the five months during which an action cannot be brought against a personal representative, nor to any delay assented to by the surety in writing. If judgment is rendered for the plaintiff in any case provided for in those sections and it is afterwards reversed or arrested so that the plaintiff takes nothing by it, he may commence another action

within one year thereafter. If the surety absconds, conceals himself or by removal from the state or otherwise, obstructs or hinders his being sued the time of such obstruction shall not be counted as part of the time of limitation allowed by those sections. If the judgment is obstructed by appeal, supersedeas or injunction the time of such obstruction shall also be disallowed.

§ 32. Subsection (3) of Section 29.070 of the Kentucky Revised Statutes is repealed.

§ 33. Subsection (2) of Section 47.010 of the Kentucky Revised Statutes is amended to read as follows:

(2) All revenue realized from the gasoline tax imposed by KRS 138.220 (except as expressly otherwise provided therein), or from any gasoline taxes hereafter imposed by law, all revenue realized from the motor vehicle fuel tax imposed by KRS 138.360, all revenue received from motor vehicle registration fees, and operators' license fees collected under the provisions of KRS Chapter 186, and all revenue received from the motor vehicle usage tax imposed by KRS 138.460, shall be credited to the State Road Fund.

§ 34. Section 132.200 of the Kentucky Revised Statutes is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation.

(2) Livestock and domestic fowls.

(3) Capital stock of building and loan associations.

(4) Machinery and products in course of manufacture, of individuals of corporations actually engaged in manufacturing, and their raw material actually on hand at their plants for the purpose of manufacture. Individuals or corporations

actually engaged in the printing, publication and distribution of a newspaper or operating a job-printing plant shall be deemed to be actually engaged in manufacturing.

(5) Unmanufactured agricultural products, except that cities and counties may each impose an ad valorem tax of not exceeding fifteen cents on each one hundred dollars of the fair cash value of all unmanufactured agricultural products subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale.

(6) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies.

§ 35. Subsection (1) of Section 132.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county clerk shall issue summons in the name of the Commonwealth, in which shall be stated the offense in general terms, against each person refusing to list his property for taxation or refusing to make oath of the same, as contemplated by subsection (3) of KRS 132.450, returnable to the next term of the county court, which shall hear and determine the case. The defendant may, before the trial is begun, demand a jury, which shall be composed of housekeepers and be summoned by the sheriff. If the defendant is found guilty the court shall enter judgment for a fine of not more than one hundred dollars and costs, and execution shall be issued for that amount. The court shall assess the taxable property upon the sworn statement of the defendant, or upon such other evidence as it may be able to obtain. The amount of the assessment shall be certified by the county clerk to the sheriff and the Department of Revenue, and the tax shall be collected and accounted for as other taxes.

§ 36. Subsection (10) of Section 136.990 of the Kentucky Revised Statutes is repealed.

§ 37. Subsection (1) of Section 160.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) All school taxes shall be levied by the fiscal court of each county except in independent school districts embracing cities of the first four classes when the boundary lines of independent districts in such cities are coterminous with the municipal limits of such cities. In such districts the tax shall be levied by the governing body of the city. The tax levying authority shall levy an ad valorem tax for ordinary school purposes, and, if requested, a special ad valorem tax for building fund purposes, at the rates specified by the district board of education and approved by the State Board of Education, within the limits prescribed in KRS 160.475 and 160.476, and such poll tax as the district board of education requests, within the limits prescribed in KRS 160.475, except that the tax levying authority of an independent district embracing a city of the first class shall determine, within the limits prescribed in KRS 160.475 and 160.476, the rates of ad valorem taxes.

§ 38. Section 162.300 of the Kentucky Revised Statutes is amended to read as follows:

County boards of education and boards of education of independent districts not embracing a city of any class may obtain buildings for school purposes by proceeding under the provisions of KRS 162.120 to 162.290. When applied to such boards of education, KRS 162.120 to 162.290 shall be so read that the term:

- (1) "City" means "county."
- (2) "City clerk" means "county clerk."
- (3) "Governing body of the city" means "fiscal court."
- (4) "Mayor or chairman of the board of trustees" means "county judge."
- (5) "Ordinance" means "resolution."

§ 39. Section 243.595 of the Kentucky Revised Statutes is repealed.

§ 40. Subsection (4) of Section 287.990 of the Kentucky Revised Statutes is amended to read as follows:

If any person violates subsection (4) of KRS 287.440 his office shall ipso facto become vacant.

§ 41. Section 313.350 of the Kentucky Revised Statutes is repealed.

§ 42. Section 324.286 of the Kentucky Revised Statutes is repealed.

§ 43. Section 325.250 of the Kentucky Revised Statutes is repealed.

§ 44. Subsection (2) of Section 391.030 of the Kentucky Revised Statutes is amended to read as follows:

(2) The appraisers shall state in their appraisal the money or the articles and value of each, set apart by them to the widow or infants, separately from the articles appraised for sale. If the widow or anyone authorized by her in writing is present at the time of the appraisal, she may make her selection out of the property appraised to the amount of \$1,500 and the appraisers shall so report.

§ 45. Section 441.180 of the Kentucky Revised Statutes is amended to read as follows:

Prisoners placed at hard labor shall be permitted to satisfy their fines and costs at the rate of two dollars per day; they shall not be required to labor more than eight hours a day, and may at any time pay or replevy the fine and costs, or whatever part thereof remains unpaid after receiving credit of two dollars for each day worked in payment thereof. Managers shall keep the time of prisoners and release them when their time expires, except that any prisoner who pays the fine and costs not worked out shall be released from custody upon order of the court that committed him.

§ 46. Section 100.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each commission shall elect a chairman, who shall be a member of said commission not holding any other public

office, and shall also elect or employ a secretary, who need not be a member of the commission.

(2) It shall hold not less than one regular meeting in each month, provide for its order of business and procedure and keep a record of its proceedings, which shall be a public record and be indexed and kept so it will be of convenient and ready reference.

(3) At least four members of the commission shall be necessary to constitute a quorum for the transaction of any business, and the affirmative vote of four members shall be required for the exercise of the powers or functions conferred or imposed upon the commission.

§ 47. A new section of the statutes is created, to be numbered KRS 211.130, and to read as follows:

The State Board of Health is authorized, in its cooperation with national, state or other sanitary or philanthropic organizations for the preservation and protection of the health and efficiency of the people of this Commonwealth, to accept funds from the National Congress, or any branch of the National Health Service, including the army, navy, or National Red Cross, or other organizations or individuals, upon a percentage or other basis, and to expand the same to increase the efficiency of the health service of the state, or of any county in the state where the fiscal court or other public or private organization shall provide a fund upon a percentage or other basis for health work within such county.

§ 48. Subsection (4) of Section 243.200 of the Kentucky Revised Statutes is amended to read as follows:

(4) Distilled spirits and wine may be transported by the holder of any license authorized by KRS 243.030 from and to express or freight depots to and from the premises covered by the license of the person so transporting distilled spirits or wine.

§ 49. Section 250.250 of the Kentucky Revised Statutes is amended to read as follows:

No manufacturer, imported, jobber, agent or dealer shall:

(1) Sell, offer or expose for sale any concentrated commercial feeding stuff, without having complied with KRS 250.240 to 250.350;

(2) Sell, offer or expose for sale any concentrated commercial feeding stuff which contains a smaller percentage of protein or fat than the minimum guarantee, or a larger percentage of crude fiber than the maximum guarantee;

(3) Adulterate any concentrated commercial feeding stuff with foreign mineral matters or other foreign substance, such as rice hulls, chaff, peanut shells, corncob meal, oat hulls or similar materials of less, little or no feeding value, without plainly stating on the label the kind and amount of that mixture;

(4) Adulterate any concentrated commercial feeding stuff with any substance injurious to health of domestic animals.

§ 50. Section 354.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before removing any clay or other material or driving any entry or passageway within five hundred feet of any natural gas or petroleum well, or before extending the workings in any clay mine beneath any tract of land on which such wells are also drilled, or within five hundred feet of any such well or under any tract of land in visible possession of a well operator, the clay operator shall forward simultaneously to the well operator and to the Department of Mines and Minerals, by registered mail, a copy of the maps and plans required by law to be filed and kept up to date, showing on the copy of the map or plan its mine workings and projected mine workings beneath the tract of land and within five hundred feet of its outer boundaries. The clay operator may then proceed with his mining operations in the manner indicated on the copy of the map or plan, but if the conduct of his mining operations nearer than five hundred feet to any such well, whether completed or being drilled, or to any proposed well, where a derrick is being constructed for drilling, or proposed well, will endanger the use or drilling of the well, the well owner or operator affected may within five days from

the receipt of the copy of the map by him and the department, file specific objections in writing to the mining operations within less than five hundred feet of the well, and if the objection is so filed the department shall notify the clay operator of the character of the objections and fix a time and place for a hearing not more than ten days from the end of said five-day period. At the hearing the clay operator and the well operator, or such of them as are present or represented, shall proceed to consider the objections and agree upon the character and extent of operations to be conducted within less than five hundred feet of the well so as to satisfy the objections raised and meet the approval of the department, and, if no agreement can be reached, the department, after a full hearing, shall make a decision defining what clay, if any, is necessary to be left for the safe protection of the use and operation of the well. The decision shall be subject to appeal by either party as provided in KRS 354.040. The department shall keep a complete record of all such hearings.

(2) The clay operator shall, at least every six months, bring up to date the maps and plans required by this section, or file new maps and plans complete to date.

§ 51. Section 371.050 of the Kentucky Revised Statutes is amended to read as follows:

In an action on any assignment of a writing, by an assignee against an assignor, the consideration for the assignment shall be averred, and the plaintiff shall recover no more than the consideration actually paid by him for the note or assignment.

§ 52. Section 391.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) An adopted child shall be considered, for purposes of inheritance and succession, the natural, legitimate child of the parents adopting it.

(2) The adoptive parents of a child shall inherit from the child in the same manner as if the child has been born of lawful wedlock to the adoptive parents.

(3) If the adoptive parents of the adopted child do not survive the adopted child, the property of the deceased adopted child, in the absence of lawful issue, shall go to the natural parents in the line of descent and as provided by KRS 391.010 and 391.030. If the adopted child dies without lawful issue and is not survived by either of its adopted or natural parents, his property shall descent to his natural and adopted relatives, share and share alike, under KRS 391.010 and 391.030.

(4) Nothing in this section or in KRS 405.340 shall prevent an adopted child from inheriting from its natural parents.

§ 53. Section 405.340 of the Kentucky Revised Statutes is amended to read as follows:

An adopted child shall be considered for all legal considerations, in addition to those of inheritance and succession as provided in KRS 391.080, the natural, legitimate child of the parents adopting it. An adopted child shall be freed from all legal obligations of maintenance and obedience to its natural parents, except that where the adopting parent of the child is married to the natural parent of the child, the relation of the child to that natural parent shall not in any way be altered by the adoption, and the rights and obligations of the natural parent and the adopting parent to the child shall be the same as if the child were the natural child of both the natural parent and the adopting parent.

§ 54. Section 422.150 of the Kentucky Revised Statutes is amended to read as follows:

The testimony of any witness taken by a stenographic reporter pursuant to KRS 28.430, may, in the discretion of the court in which it is taken, be used as evidence in any subsequent trial of the same issue between the same parties, where the testimony of such witness cannot be procured, which fact must be made to appear satisfactorily to the court by the affidavit of the party desiring to use the same, or his attorney; but no testimony so taken shall be used in any criminal case without the consent of the defendant.

§ 55. Section 435.180 of the Kentucky Revised Statutes is amended to read as follows:

Any person who, not under circumstances described in KRS 435.190, in a sudden affray or in sudden heat and passion, without previous malice, and not in self-defense, shoots at without wounding, or shoots and wounds another person, or wounds a person other than the person shot at, with a gun or other instrument loaded with a bullet or other hard substance, without killing that person, or, in like manner, cuts, stabs or strikes any other person with a knife or other deadly weapon, without killing that person, shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned for not less than six nor more than twelve months, or both.

§ 56. Sections 39.010 to 39.290 of the Kentucky Revised Statutes are repealed.

§ 57. Sections 134.035, 134.036, 134.037 and 141.225 of the Kentucky Revised Statutes are repealed.

§ 58. Subsections (3), (4) and (5) of Section 186.420 of the Kentucky Revised Statutes are repealed.

§ 59. Section 189.225 of the Kentucky Revised Statutes is repealed.

§ 60. Subsection (1) of Section 243.685 of the Kentucky Revised Statutes is repealed.

§ 61. Subsection (7) of Section 281.020 of the Kentucky Revised Statutes is repealed.

§ 62. Section 337.545 of the Kentucky Revised Statutes is repealed.

§ 63. Section 339.115 of the Kentucky Revised Statutes is repealed.

§ 64. Chapter 60 of the Acts of 1944, which amended Section 186.600 of the Kentucky Revised Statutes, is hereby repealed, and said section 186.600 is re-enacted in its original form, as follows:

No person under the age of twenty-one shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to or from school, or drive a motor vehicle while it is in use as a public passenger-carrying vehicle.

§ 65. Section 189.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provide din KRS 189.235 and 189.270, no person shall operate on any highway any motor truck or semi-trailer truck whose height, including any part of the body or load, exceeds eleven and one-half feet. This does not require public authorities to provide vertical clearances to permit the operation of vehicles with the height of eleven and one-half feet.

(2) No person shall operate on a highway any motor truck or semi-trailer truck whose width, including any part of body or load, exceeds ninety-six inches.

(3) Except as provided in KRS 189.235 and 189.270, no person shall operate on any highway any motor truck whose length, including any part of the body or load, exceeds twenty-six and one-half feet, nor any semi-trailer truck whose length, including any part of the body or load exceeds thirty feet.

§ 66. Section 189.220 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 189.235 and 189.270, no person shall operate on a highway any motor truck or semi-trailer truck whose gross weight, including the load, exceeds eighteen thousand pounds.

§ 67. Sections 160.610 and 186.015 of the Kentucky Revised Statutes are repealed.

§ 68. Subsections (2) and (3) of Section 248.010, all of Sections 248.020 to 248.240 and 248.250 to 248.270, and Subsections (1) to (5) of Section 248.990, of the Kentucky Revised Statutes, are repealed.

§ 69. Subsections (2) and (3) of Section 181.010, and all of Sections 181.060 to 181.490 of the Kentucky Revised Statutes, are repealed.

§ 70. Section 181.500 of the Kentucky Revised Statutes is amended to read as follows:

When the principal and interest on bonds issued under the provisions of former KRS 81.300 to 81.490, for the construction of a bridge under those sections, have been paid or their payment fully provided for, the bridge commission established pursuant to those sections shall stand dissolved. Thereupon: (1) the cash reserve on hand, if any, after all outstanding obligations for the maintenance, repair and operation of the bridge have been paid, shall be paid or turned over to the city to be used in such manner as shall be determined by the mayor of said city; (2) all right, title and interest in and to said bridge, including lands and appurtenances shall vest in the Commonwealth of Kentucky for the use and benefit of the Department of Highways and the city shall execute such conveyances as may be necessary; (3) the Department of Highways shall assume the operation, maintenance and repair of the bridge, as part of the state highway system, but it shall be the duty of the city to sweep, sprinkle, light and police the travel portion of said bridge, provided the ordinary duties of the State Highway Patrol may be exercised thereover; and (4) said bridge shall thereafter be operated free of tolls.

§ 71. Sections 147.010 to 147.060 of the Kentucky Revised Statutes are repealed.

§ 72. Sections 147.070 to 147.120 of the Kentucky Revised Statutes are repealed.

§ 73. Subsection (3) of Section 118.390 of the Kentucky Revised Statutes is amended to read as follows:

(3) The stub books, secondary stubs, ballots, tally sheets, linen envelopes and voters' affidavits shall, after the results of the election have been certified, remain in the office of the county clerk as a part of his records for a period of six months. If at the expiration of the said six months there is no contest, recount or criminal prosecution pending involving the same, the clerk shall sell the material for the best price obtainable and pay the proceeds into the county treasury, after taking proper precautions to see that no information as to

how any voter has voted can be obtained from examining such material. If a contest, recount or criminal prosecution is pending at the end of the six months' period, the clerk shall make a similar disposition of such material when authorized by order of the judge in the court in which the proceeding or prosecution is pending. If no sale can be made the material shall be destroyed.

§ 74. Section 243.120 of the Kentucky Revised Statutes is amended to read as follows:

A distiller's, rectifier's or vintner's license shall authorize the licensee to engage in the business of distiller, rectifier, or vintner at the premises specifically designated in the license and to transport for himself only any alcoholic beverage which he is authorized under the license to manufacture or sell. Such licensee shall transport alcoholic beverages only by a vehicle owned and operated by himself, which has affixed to its sides at all times a sign of form and size prescribed by the state board, containing among other things the name and license number of the licensee. No distilled spirits or wine shall be transported on the same truck or vehicle with malt beverages, except by a common carrier.

§ 75. Section 315.115 of the Kentucky Revised Statutes is repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Fred Beshear	George I. Cline
Roy W. Arnold	Mrs. Mary Burnett	Robert Collins
Sidney Baer	Chas. W. Burnley	Everett T. Cooper
Levi Baker	A. H. Calvert	Horace T. Cull
Bernhardt Bauer	Earl W. Christian	B. G. Davidson

G. I. Drury	W. E. McClure	Lilburn S. Rogers
Otto W. Goff	F. G. Marquette	Amos Runyan
N. M. Hamilton	Archie R. Moore	LeRoy Saylor
James P. Hanratty	Davis Moore	James J. Shannon
Dennis Henderson	Walter Moorman	Paul E. Shannon
Carson Hibbitts	Fred H. Morgan	Chas. L. Spillman
E. R. Hilton	E. C. Mullins	John M. Stumbo
C. J. Holsclaw	Thomas A. Noe, Jr.	Albert Thomason
Richard R. Houpt	Joe E. Nunn	G. C. Thornton
R. N. Hubbard	Harmon S. Overby	Wilford S. Travis
Ira W. Hulette	H. M. Pewitt	John C. Watts
Paul S. Jonas	J. H. Polsgrove	Lawrence Watts
J. Ernest Jones	L. W. Preston	Rodney Whitlow
L. H. Jones	E. F. Prichard	Geo. F. Williamson
Ercel Kozee	Hobart Rayburn	Charles W. Wirsch
Harry K. Lowman	Ottis Roberts	—62

Those who voted in the negative were—

Earl F. Ashcraft	Henry C. Hale	Geo. W. Steinfeld
		—3

Resolved that the title thereof be as aforesaid.

Mr. Davidson moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 223, An Act relating to motor vehicles, with particular reference to the granting of operator's licenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding the provisions of subsection (1) of KRS 186.440, any person between the ages of fourteen and sixteen

may be granted an operator's license for the operation of a motor vehicle of not more than five horse power.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Richard R. Houpt	Hobart Rayburn
Sidney Baer	Clyde S. Howard	Amos Runyan
C. E. Baumgardner	R. N. Hubbard	LeRoy Saylor
Fred Beshear	Ira W. Hulette	James J. Shannon
Isaac M. Blevins	Paul S. Jonas	Paul E. Shannon
Chas. J. Bronston	J. Ernest Jones	Chas. L. Spillman
Chas. W. Burnley	L. H. Jones	Geo. W. Steinfeld
Earl W. Christian	Harry K. Lowman	John M. Stumbo
George I. Cline	W. E. McClure	Albert Thomason
Robert Collins	C. D. Moberly	Wilford S. Travis
Horace T. Cull	Archie R. Moore	John C. Watts
G. I. Drury	Davis Moore	Lawrence Watts
Kermit Dwyer	Walter Moorman	Morris Weintraub
Otto W. Goff	Fred H. Morgan	Rodney Whitlow
Henry C. Hale	Thomas A. Noe, Jr.	Geo. F. Williamson
N. M. Hamilton	Harmon S. Overby	Charles W. Wirsch
Dennis Henderson	H. M. Pewitt	
Carson Hibbitts	E. F. Prichard	

—52

Those who voted in the negative were—

Roy W. Arnold	Ercel Kozeé	J. H. Polsgrove
Earl F. Ashcraft	F. G. Marquette	Ottis Roberts
Everett T. Cooper	E. C. Mullins	Lilburn S. Rogers
E. R. Hilton	Joe E. Nunn	

—11

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 247. An Act relating to the sheriff's county revenue bond, providing for payment of premium on such bond by the county where the Sheriff executes a bond with corporate surety.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each sheriff who is required by law to furnish at his own expense a bond for the collection of county revenue shall have a claim against the county for the amount paid for the premium on his county revenue bond when the bond has been executed by an incorporated surety company authorized to do a surety business in Kentucky, and when the claim is verified by his affidavit.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Fred Beshear	Everett T. Cooper
Roy W. Arnold	Chas. J. Bronston	Perry M. Cross
Sidney Baer	Mrs. Mary Burnett	Horace T. Cull
Levi Baker	Chas. W. Burnley	Kermit Dwyer
Bernhardt Bauer	Earl W. Christian	Otto W. Goff
C. E. Baumgardner	George I. Cline	Henry C. Hale

N. M. Hamilton	W. E. McClure	Amos Runyan
James P. Hanratty	F. G. Marquette	Glenn Rushing
Dennis Henderson	C. D. Moberly	LeRoy Saylor
Carson Hibbitts	Archie R. Moore	James J. Shannon
E. R. Hilton	Fred H. Morgan	Paul E. Shannon
Richard R. Houpt	E. C. Mullins	Chas. L. Spillman
Clyde S. Howard	Thomas A. Noe, Jr.	Geo. W. Steinfeld
R. N. Hubbard	Joe E. Nunn	John M. Stumbo
Ira W. Hulette	Harmon S. Overby	Albert Thomason
Laban P. Jackson	J. H. Polsgrove	Wilford S. Travis
Paul S. Jonas	L. W. Preston	John C. Watts
J. Ernest Jones	Hobart Rayburn	Morris Weintraub
L. H. Jones	Ottis Roberts	Rodney Whitlow
Ercel Kozee	Lilburn S. Rogers	Charles W. Wirsch
Harry K. Lowman		—61

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 1. An Act making an appropriation for the purpose of recovering and providing for the burial of the bodies of those men who were killed in the Straight Creek Coal Mine disaster on or about December 26, 1945, and whose bodies are now entombed in the mine, and providing means and methods by which recovery of the bodies may be accomplished and declaring an emergency. This Act shall be known and cited as the Moss-Hibbitts Act.

Said bill is as follows, viz.:

Whereas, as a result of an explosion in the Straight Creek Coal Mine in Bell County, Kentucky, on the 26th day of

December, 1945, twenty or more men were killed and their bodies entombed in the mine; and

Whereas, efforts to recover such bodies have been unsuccessful, due to lack of funds and proper equipment on the part of the relatives of the deceased men and other interested persons, and due to the exceptional obstacles that confront such removal efforts, and it appears that recovery may never be accomplished through private efforts; and

Whereas, the fact that the bodies of those revered citizens of Kentucky remain entombed at the scene of that great disaster is a reflection upon the good name and credit of the Commonwealth, and it is in the best interests and welfare of the people of the Commonwealth that public funds and facilities be made available for the removal and suitable burial of such bodies, and particularly because there exist some elements of moral responsibility on the part of the Commonwealth in connection with the disaster:

Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) There is hereby appropriated to the Department of Mines and Minerals, out of any unappropriated funds in the State Treasury as of the effective date hereof, such sum, not to exceed \$100,000.00, as may be required to provide for the removal and suitable burial of the bodies of those men who were killed in the Straight Creek Coal Mine disaster in Bell County, Kentucky, on or about December 26, 1945, and whose bodies remain entombed in the mine.

(2) The Department of Mines and Minerals shall determine the most practical method of removing the bodies from the mine, whether by entering the old mine for that purpose or by driving openings through the coal adjoining or adjacent to the old mine to a point where the old mine can be entered for the purpose of removing the bodies, and the department in selecting the most practical method shall consider the safety of the men employed in said work. If the department selects the method of driving openings through the coal ad-

joining and adjacent to the old mine, it shall enter into such contracts, with the owner or owners of the surface and mineral rights adjoining and adjacent to the old mine, as are necessary to obtain the easements, rights of way or other property interests required for the purpose, including the right to haul or remove over or through said tracts, coal produced from other tracts. Such contract or contracts shall designate the number and location of openings to be driven, and shall provide that the title to any coal produced in the operation shall be vested in the Commonwealth. Such contract or contracts shall further provide that upon completion of the work as contemplated herein, the department shall have the right to remove all equipment, tools and facilities placed therein or thereon, and the contracts shall then be terminated and the Commonwealth of Kentucky be released from any and all future liability thereunder.

(3) The Department of Mines and Minerals shall have the power and authority to acquire by lease, purchase or otherwise, such tools, equipment and other facilities as may be necessary to efficiently prosecute the work of recovering the bodies, whether by entry made through the old openings in the mine or by driving openings through the coal adjoining or adjacent to the old mine. The Department of Mines and Minerals may do said work by personnel employed by it, or by contracting the work to a suitable person, firm or corporation, as an independent contractor, and in the event such work is so contracted, the contract shall contain provisions as to which party is to furnish the necessary tools, equipment and other facilities, and how the same are to be disposed of when the work is completed.

(4) Any coal produced in performing the work required hereunder shall become the property of the Commonwealth, and the Department of Mines and Minerals shall dispose of said coal by contract of sale to private buyers of coal, or may make the same available to State institutions through their departmental accounts, as provided in KRS Chapter 45. Any sums realized from the sale of such coal or by charging the account of any State institution shall be credited to the appropriation account of the Department of Mines and Minerals

for the purpose of carrying out the work herein provided for, until the necessary amount has been received, whereupon any further sums so realized shall be credited to the General Fund in the State Treasury.

(5) In performing the work required hereunder, whether the same is done by personnel employed by the Department of Mines and Minerals or by contract with an independent contractor, all provisions of the Workmen's Compensation Act shall be accepted and notice thereof posted as required by law, and such work shall be done in accordance with the provisions of the mining laws of the Commonwealth of Kentucky and of the United States, and rules and regulations made pursuant thereto.

(6) Any and all contracts entered into by the Department of Mines and Minerals pursuant to the foregoing provisions shall be entered into with the advice and consent of the Governor.

(7) In the event the Department of Mines and Minerals is unable to agree with the owner or owners of any property through or over which it is necessary to obtain an easement, right of way, or other interest, in order to accomplish the purposes hereof, the department shall have the right to condemn the same, including the right of condemnation of the coal in place through which it is necessary to drive openings. For this purpose the department may follow any of the various kinds of condemnation proceedings authorized by statute.

(8) After the Department of Mines and Minerals has recovered the bodies of the men killed in said disaster, it shall provide for the suitable burial of said bodies by its own personnel under the supervision of one or more funeral directors employed by it.

(9) Any tools, equipment or other facilities acquired by the department which remain on hand after the completion of the work contemplated hereunder, shall be disposed of as provided for other surplus property of this State.

§ 2. Whereas, the passage of time will render increasingly difficult the removal of the bodies provided for in this

Act, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Dennis Henderson	Hobart Rayburn
Earl F. Ashcraft	Carson Hibbits	Ottis Roberts
Sidney Baer	E. R. Hilton	F. L. Robinson
Levi Baker	C. J. Holsclaw	Lilburn S. Rogers
C. E. Baumgardner	Richard R. Houpt	Amos Runyan
Fred Beshear	Clyde S. Howard	Glenn Rushing
Chas. J. Bronston	R. N. Hubbard	LeRoy Saylor
Mrs. Mary Burnett	Ira W. Hulette	James J. Shannon
Chas. W. Burnley	Paul S. Jonas	Paul E. Shannon
A. H. Calvert	J. Ernest Jones	Chas. L. Spillman
Earl W. Christian	Erceel Kozee	Geo. W. Steinfeld
George I. Cline	Harry K. Lowman	John M. Stumbo
Robert Collins	W. E. McClure	Albert Thomason
Everett T. Cooper	F. G. Marquette	G. C. Thornton
Perry M. Cross	C. D. Moberly	Wilford S. Travis
G. I. Drury	Archie R. Moore	John C. Watts
Kermit Dwyer	E. C. Mullins	Lawrence Watts
Otto W. Goff	Thomas A. Noe, Jr.	Morris Weintraub
Henry C. Hale	J. H. Polsgrove	Rodney Whitlow
N. M. Hamilton	L. W. Preston	Charles W. Wirsch
James P. Hanratty	E. F. Prichard	—62

Those who voted in the negative were—

B. G. Davidson	Walter Moorman	Harmon S. Overby
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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

M. John C. Watts moved that the House do now recess until 8 o'clock, p. m.

Said motion was agreed to.

And then the House recessed.

The appointed hour having arrived, the Speaker resumed the Chair and called the House to order.

Mr. J. Ernest Jones moved that the rules be suspended and little Miss Caroline Louise Hughlett be made an Honorary Page for the day.

Said motion was unanimously agreed to.

Mr. Thornton moved that the rules be suspended and the privilege of the floor extended to Mr. and Mrs. Charles Marshall.

Said motion was unanimously agreed to.

Mr. Jackson moved that the rules be suspended and the privilege of the floor be extended to Judge Harry Hill and Mr. Kenneth James.

Said motion was unanimously agreed.

Mr. Baer moved that the rules be suspended and Master Charles Gordon Baer be made an Honorary Page for the day.

Said motion was unanimously agreed to.

Mr. Baer moved that the rules be suspended and Master Perry Stephen Baer be made an Honorary Page for the day.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 289. An Act relating to the destroying, breaking, tearing down, writing upon, marring, handling or carrying away of any rock, wall, or other formation within any cave exhibited to the public as a natural attraction, without the consent of the owner.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who, without permission from the owner, shall destroy, break, tear down, write upon, mar, handle or carry away any rock, wall, or other formation within any cave exhibited to the public as a natural attraction shall be fined not less than five dollars nor more than one hundred dollars, or imprisoned not less than five nor more than thirty days, or both.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. J. Bronston	B. G. Davidson
Jason Alford	Mrs. Mary Burnett	G. I. Drury
Roy W. Arnold	Chas. W. Burnley	Kermit Dwyer
Sidney Baer	Earl W. Christian	N. M. Hamilton
Levi Baker	George I. Cline	James P. Hanratty
C. E. Baumgardner	Robert Collins	C. J. Holsclaw
Fred Beshear	Horace T. Cull	Richard R. Houpt

Clyde S. Howard	Walter Moorman	Glenn Rushing
R. N. Hubbard	Fred H. Morgan	Paul E. Shannon
Ira W. Hulette	E. C. Mullins	Chas. L. Spillman
Laban P. Jackson	Joe E. Nunn	John M. Stumbo
J. Ernest Jones	H. M. Pewitt	Wilford S. Travis
L. H. Jones	L. W. Preston	J. B. Veech
Ercel Kozee	E. F. Prichard	John C. Watts
W. E. McClure	Hobart Rayburn	Morris Weintraub
Ed Marcum	Lilburn S. Rogers	Geo. F. Williamson
C. D. Moberly	Amos Runyan	Charles W. Wirsch
Davis Moore		—52

There voted in the negative—

J. H. Polsgrove

—1

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 127. An Act relating to civil suit brought against the Commonwealth of Kentucky pursuant to resolutions of the General Assembly, whereby comments apprizing the jury of the existence of the resolution are forbidden and penalized.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) In the trial of any cause of action against the Commonwealth authorized by resolution of the General Assembly, no statement in the resolution shall be considered by either the court or the jury, nor shall the resolution be introduced as

evidence for either party, nor shall it be commented upon or referred to by the court, by witnesses, or by counsel in the presence of the jury, and if so commented upon, it shall be grounds for a new trial.

(2) If any comment is made in the presence of the jury apprizing that body of the authorization of the suit by the General Assembly, the court shall set aside the swearing of the jury. Admonition to the jury shall not be deemed sufficient to cure the defect.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	C. J. Holsclaw	E. C. Mullins
Roy W. Arnold	Richard R. Houpt	Joe E. Nunn
Sidney Baer	Clyde S. Howard	Harmon S. Overby
Levi Baker	D. W. Howard	H. C. Patterson
C. E. Baumgardner	R. N. Hubbard	H. M. Pewitt
Fred Beshear	Ira W. Hulette	J. H. Polsgrove
Chas. J. Bronston	Laban P. Jackson	L. W. Preston
Mrs. Mary Burnett	Kerby Jennings	E. F. Prichard
Chas. W. Burnley	Paul S. Jonas	Hobart Rayburn
Earl W. Christian	J. Ernest Jones	F. L. Robinson
George I. Cline	L. H. Jones	Amos Runyan
Robert Collins	Ercel Kozee	Glenn Rushing
Perry M. Cross	Harry K. Lowman	LeRoy Saylor
Horace T. Cull	W. E. McClure	James J. Shannon
B. G. Davidson	Ed Marcum	Paul E. Shannon
G. I. Drury	E. H. Martin	Chas. L. Spillman
Kermit Dwyer	C. D. Moberly	Geo. W. Steinfeld
Henry C. Hale	Archie R. Moore	John M. Stumbo
James P. Hanratty	Davis Moore	G. C. Thornton
Carson Hibbitts	Walter Moorman	Wilford S. Travis
E. R. Hilton	Fred H. Morgan	John C. Watts

Lawrence Watts Rodney Whitlow Charles W. Wirsch
Morris Weintraub Geo. F. Williamson —68

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 143. An Act relating to the powers of certain officers to administer official oaths and to take acknowledgments.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 62.020 of the Kentucky Revised Statutes is amended to read as follows:

The official oath of any officer may be administered by a judge, commissioner, sergeant-at-arms or clerk of the Court of Appeals, or by any judge or clerk of any court of record, or by a notary public or justice of the peace within his district or county.

§ 2. A new section of the statutes is created, to read as follows:

Any deed or other instrument executed in this state may be acknowledged or proved before a judge, commissioner, sergeant-at-arms or clerk of the Court of Appeals, or before any judge or clerk of any court of record, of this state, or before any notary public in this state, and any deed or other instrument so acknowledged or proved may be admitted to record in the office of any county court clerk in this state, upon the certificate of such officer, under the seal of his office

or court, that such deed or instrument was acknowledged before him by the party making the deed or instrument, or proved before him according to law.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Richard R. Hought	H. M. Pewitt
Roy W. Arnold	Clyde S. Howard	J. H. Polsgrove
Sidney Baer	D. W. Howard	L. W. Preston
Levi Baker	R. N. Hubbard	E. F. Prichard
C. E. Baumgardner	Ira W. Hulette	Hobart Rayburn
Fred Beshear	Laban P. Jackson	F. L. Robinson
Chas. J. Bronston	Kerby Jennings	Amos Runyan
Mrs. Mary Burnett	Paul S. Jonas	Glenn Rushing
Chas. W. Burnley	J. Ernest Jones	LeRoy Saylor
Earl W. Christian	L. H. Jones	James J. Shannon
George I. Cline	Ercel Kozee	Paul E. Shannon
Robert Collins	Harry K. Lowman	Chas. L. Spillman
Perry M. Cross	W. E. McClure	Geo. W. Steinfeld
Horace T. Cull	Ed Marcum	John M. Stumbo
B. G. Davidson	E. H. Martin	G. C. Thornton
G. I. Drury	C. D. Moberly	Wilford S. Travis
Kermit Dwyer	Archie R. Moore	J. B. Veech
Henry C. Hale	Davis Moore	John C. Watts
N. M. Hamilton	Walter Moorman	Morris Weintraub
James P. Hanratty	Fred H. Morgan	Rodney Whitlow
Carson Hibbitts	Joe E. Nunn	Geo. F. Williamson
E. R. Hilton	H. C. Patterson	Charles W. Wirsch
C. J. Holsclaw		

—67

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 160. An Act repealing and re-enacting Section 117.210 Kentucky Revised Statutes, 1946 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 117.210 Kentucky Revised Statutes, 1946 Edition be, and the same is, hereby repealed and re-enacted so that as re-enacted said Section shall read as follows:

“117.210 (1486b-34) Employees of board. The board of registration commissioners shall appoint a registrar and an assistant registrar who shall act as respectively secretary and assistant secretary of the board. They shall have general charge of its office, records and employes under the supervision and direction of the board and shall perform the duties that the board prescribes. They shall hold office at the pleasure of the board and devote their entire time to the duties of their office. They shall be members of opposite political parties, each member of the board having the right to designate the one to be chosen from the political party of which he is a member. The board may employ clerks and employes for such periods of time as it deems necessary for the proper conduct of its business. The employes of the board shall be employed as nearly as practicable in equal numbers from the two political parties represented on the board. The board may require bond with security from the registrar or any employe, and may fix the terms and penalty of the bond. The registrar and assistant registrar shall each receive the same annual salary, to be fixed by the board at a reasonable sum, and the compensation of all clerks or employes shall be fixed by the board at a reasonable sum. All salaries and compensation shall be paid by the board.”

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Richard R. Houpt	H. M. Pewitt
Roy W. Arnold	Clyde S. Howard	J. H. Polsgrove
Sidney Baer	D. W. Howard	L. W. Preston
Levi Baker	R. N. Hubbard	E. F. Prichard
C. E. Baumgardner	Ira W. Hulette	Hobart Rayburn
Fred Beshear	Laban P. Jackson	F. L. Robinson
Chas. J. Bronston	Kerby Jennings	Amos Runyan
Mrs. Mary Burnett	Paul S. Jonas	Glenn Rushing
Chas. W. Burnley	J. Ernest Jones	LeRoy Saylor
Earl W. Christian	L. H. Jones	James J. Shannon
George I. Cline	Ercel Kozee	Paul E. Shannon
Robert Collins	Harry K. Lowman	Chas. L. Spillman
Perry M. Cross	W. E. McClure	Geo. W. Steinfeld
Horace T. Cull	Ed Marcum	John M. Stumbo
B. G. Davidson	E. H. Martin	G. C. Thornton
G. I. Drury	C. D. Moberly	Wilford S. Travis
Kermit Dwyer	Archie R. Moore	J. B. Veech
Henry C. Hale	Davis Moore	John C. Watts
N. M. Hamilton	Walter Moorman	Morris Weintraub
James P. Hanratty	Fred H. Morgan	Rodney Whitlow
Carson Hibbitts	E. C. Mullins	Geo. F. Williamson
E. R. Hilton	Joe E. Nunn	Charles W. Wirsch
C. J. Holsclaw	H. C. Patterson	—68

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 285. An Act prescribing the time within which appeals shall be taken to the Court of Appeals from judgments and appealable orders of circuit courts involving questions arising under the planning and zoning laws of this Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Appeals to the Court of Appeals from judgments and appealable orders of the circuit courts arising under the planning and zoning laws of this Commonwealth shall be taken in the same manner and within the same time provided for appeals from declaratory judgments by Section 639a-5 of the Civil Code of Practice, and all provisions of said Section of the Civil Code of Practice shall apply to such appeals.

Section 2. This Act shall apply to such judgments and appealable orders hertofore rendered or which may hereafter be rendered; provided, however, that as to judgments and appealable orders entered prior to the effective date of this Act, the period of sixty days shall begin to run from the effective date hereof. .

Section 3. Whereas questions involving planning and zoning of property are usually affected with a wide public interest;

And whereas it is important that such questions be finally determined speedily, an emergency is hereby declared to exist and this Act shall be effective from and after the date of its enactment.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Richard R. Houpt	H. M. Pewitt
Roy W. Arnold	Clyde S. Howard	J. H. Polsgrove
Sidney Baer	D. W. Howard	L. W. Preston
Levi Baker	R. N. Hubbard	E. F. Prichard
C. E. Baumgardner	Ira W. Hulette	Hobart Rayburn
Fred Beshear	Laban P. Jackson	F. L. Robinson
Chas. J. Bronston	Kerby Jennings	Amos Runyan
Mrs. Mary Burnett	Paul S. Jonas	Glenn Rushing
Chas. W. Burnley	J. Ernest Jones	LeRoy Saylor
Earl W. Christian	L. H. Jones	James J. Shannon
George I. Cline	Ercel Kozee	Paul E. Shannon
Robert Collins	Harry K. Lowman	Chas. L. Spillman
Perry M. Cross	W. E. McClure	Geo. W. Steinfeld
Horace T. Cull	Ed Marcum	John M. Stumbo
B. G. Davidson	E. H. Martin	G. C. Thornton
G. I. Drury	C. D. Moberly	Wilford S. Travis
Kermit Dwyer	Archie R. Moore	J. B. Veech
Henry C. Hale	Davis Moore	John C. Watts
N. M. Hamilton	Walter Moorman	Morris Weintraub
James P. Hanratty	Fred H. Morgan	Rodney Whitlow
Carson Hibbitts	E. C. Mullins	Geo. F. Williamson
E. R. Hilton	Joe E. Nunn	Charles W. Wirsch
C. J. Holsclaw	H. C. Patterson	—68

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 317. An Act relating to the holding of real estate by a religious society; amending subsection (1) of Section 273.090 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 273.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) No religious society may take or hold legal or equitable title to more than fifty acres of ground for a longer period than one year, under penalty of escheat, except that a religious society may own and operate a farm of not exceeding one hundred and sixty acres for the purpose of providing or supplementing the compensation of the pastor of a church maintained by such religious society.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Robert Collins	C. J. Holsclaw
Roy W. Arnold	Perry M. Cross	Richard R. Houpt
Sidney Baer	Horace T. Cull	Clyde S. Howard
Levi Baker	B. G. Davidson	D. W. Howard
C. E. Baumgardner	G. I. Drury	R. N. Hubbard
Fred Beshear	Kermit Dwyer	Ira W. Hulette
Chas. J. Bronston	Henry C. Hale	Laban P. Jackson
Mrs. Mary Burnett	N. M. Hamilton	Kerby Jennings
Chas. W. Burnley	James P. Hanratty	Paul S. Jonas
Earl W. Christian	Carson Hibbitts	J. Ernest Jones
George I. Cline	E. R. Hilton	L. H. Jones

Ercel Kozee	H. C. Patterson	Chas. L. Spillman
Harry K. Lowman	H. M. Pewitt	Geo. W. Steinfeld
W. E. McClure	J. H. Polsgrove	John M. Stumbo
Ed Marcum	L. W. Preston	G. C. Thornton
E. H. Martin	E. F. Priachrd	Wilford S. Travis
C. D. Moberly	Hobart Rayburn	J. B. Veech
Archie R. Moore	F. L. Robinson	John C. Watts
Davis Moore	Amos Runyan	Morris Weintraub
Walter Moorman	Glenn Rushing	Rodney Whitlow
Fred H. Morgan	LeRoy Saylor	Geo. F. Williamson
E. C. Mullins	James J. Shannon	Charles W. Wirsch
Joe E. Nunn	Paul E. Shannon	—68

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills and resolutions of the following titles, viz.:

H. B. No. 151. An Act relating to Master Commissioners of Circuit Courts, and providing a salary therefor in certain Circuit Courts having continuous session.

H. B. No. 354. An Act relating to Revenue and Taxation.

H. B. No. 363. An Act to repeal and re-enact Sections 243.72— Kentucky Revised Statutes 1946, relating to revenue and taxation.

H. B. No. 465. An Act relating to parole; amending KRS 439.110 and repealing KRS 439.105 and 439.106.

H. B. No. 50. An Act providing for the distribution to each county, of a portion of the revenue received from certain state taxes on legal processes and instruments.

H. B. No. 244. An Act to amend Section 69.105 of Kentucky Revised Statutes pertaining to stenographer to Commonwealth's attorneys in counties containing cities of the second class.

H. B. No. 319. An Act to repeal Section 28.450 of the Kentucky Revised Statutes and to enact in lieu thereof new provisions relating to compensation of Reporters for Circuit Courts of continuous session in counties having a population of less than 150,000.

H. Res. No. 38. A Joint Resolution directing the Division of Parks to pay, to John Stanley, of Danville, Kentucky, certain compensation to which he is entitled for services as custodian of the J. G. Weisiger Memorial State Park and the Ephraim McDowell Home.

H. Res. No. 9. A Joint Resolution authorizing B. H. Kelley to sue the Commonwealth of Kentucky.

H. Res. No. 10. A Joint Resolution authorizing James A. Newman to sue the Commonwealth of Kentucky.

H. Res. No. 11. A Joint Resolution authorizing C. Bruce Daniel to sue the Commonwealth of Kentucky.

H. Res. No. 15. Resolution authorizing Coet Shepherd by his statutory guardian or next friend to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky, or either.

H. Res. No. 16. A Joint Resolution authorizing Maude Turner Herald to file suit against the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School, or any one or more of them.

H. Res. No. 23. A Joint Resolution authorizing the payment of Sheriffs' fees as provided in KRS 64.070 to Charles V. Hall of Jeffersontown, Kentucky, for transportation of certain prisoners from Gallatin County, Kentucky, to the

Kentucky State Reformatory at LaGrange, Kentucky, during 1944 and 1945.

H. Res. No. 25. Joint Resolution, authorizing the removal of an unrealized account carried on the account records of the Department of Finance and the Department of the Treasury.

H. Res. No. 27. A Joint Resolution authorizing the payment, to Lee Swanner of London, Kentucky, of certain witness claims allowed by the Laurel Circuit Court and the Rowman Circuit Court.

H. Res. No. 30. A Joint Resolution authorizing the payment of judges' examining trial fees as provided by Kentucky Revised Statutes 26.180 and 64.220 to John O. Hardin of Hopkinsville, Christian County, Kentucky, Judge of Police Court of the City of Hopkinsville for certain examining trials held in said court during the years 1942, 1943, 1944, 1945, 1946, and 1947.

H. Res. No. 35. A Joint Resolution providing for the designation, as "The United Spanish War Veterans' Memorial Highway," of that portion of U. S. Highway No. 23 that passes through Kentucky, and for the suitable marking of the same.

H. Res. No. 42. A Joint Resolution authorizing Anderson Hays to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

H. Res. No. 44. A Joint Resolution authorizing Richmond Salyer, of Salyersville, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 45. A Joint Resolution authorizing Morgan Wireman, as administrator of the estate of Johnny Wireman, Salyersville, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 47. A Resolution authorizing E. H. Marhoefer, Jr., Company to sue the Commonwealth of Kentucky; authorizing a compromise or settlement of such claim or suit; and providing for the payment of any judgment obtained or the amount of any settlement agreed upon.

H. Res. No. 49. A Joint Resolution providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

H. Res. No. 50. A Joint Resolution authorizing payment of the claim of Charles H. White, of Manchester, Kentucky, for services rendered in the capacity of sheriff of Clay County; and appropriating the necessary sum for the purpose.

H. Res. No. 51. A Joint Resolution authorizing and directing the payment of the sum of \$83.02 to Eugene Limville, for services rendered as circuit court clerk of Robertson County, Kentucky, and appropriating that amount from the State Treasury.

H. Res. No. 52. A Joint Resolution appropriating from the General Expenditure Fund in the State Treasury, and authorizing and directing the payment to Mr. J. D. Kennedy, ex-jailer of Madison County, the sum of \$480.00.

H. Res. No. 53. A Joint Resolution appropriating from the General Expenditure Fund in the State Treasury the sum of \$55.15, and authorizing and directing the payment of the same to D. D. Gullett, of Fannin, Kentucky.

H. Res. No. 55. Resolution authorizing H. C. Yeager to sue the Commonwealth of Kentucky.

H. Res. No. 56. A Joint Resolution authorizing Eva Emerine, Roy Emerine, individually and as parent and next friend of Marline Emerine, and Royalyn Emerine, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

H. Res. No. 62. A Joint Resolution authorizing payment of the claim of A. R. Pollock, sheriff of McLean County, for services rendered in the return of fugitives from justice, and making an appropriation for the purpose.

H. Res. No. 63. A Joint Resolution authorizing Frank E. Moore, of Frankfort, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 64. A Joint Resolution authorizing Mrs. Martha Howard and Ella Howard, of Magoffin County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 66. A Joint Resolution authorizing L. B. Love, Lewis County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either of them.

H. Res. No. 69. A Joint Resolution repealing, amending and re-enacting Section 1 of Chapter 267 of the Acts of the General Assembly of Kentucky at its regular session 1942, and approved by the Governor March 2, 1942, so as to enable the Governor within his discretion to renew Interstate Compacts to Conserve Oil and Gas.

H. Res. No. 70. A Joint Resolution providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the distribution of the money so appropriated; and declaring an emergency.

H. Res. No. 71. A Joint Resolution authorizing W. W. Owen, Jr., of Daviess County, Kentucky, to sue the Commonwealth of Kentucky.

H. B. No. 255. An Act relating to the State Fair Board, with particular relation to the membership thereof and the terms of the members.

H. B. No. 304. An Act repealing and reenacting Section 70.030 Kentucky Revised Statutes relating to deputy sheriffs and their salaries.

H. B. No. 313. An Act providing that certain roads be added to the state primary road system.

H. B. No. 447. An Act relating to education in fields related to health, with particular reference to the education of, and the training of nurses and doctors of the Negro race.

H. B. No. 451. An Act relating to record books, repealing, amending and reenacting Section 28.130 of the Kentucky Revised Statutes.

H. B. No. 453. An Act to amend Section 41.220 of the Kentucky Revised Statutes relative to designation of state bank depositories.

H. B. No. 462. An Act to amend Section 220.360 of the Kentucky Revised Statutes, being part of Chapter 220 of said Statutes, pertaining to sanitation districts, by providing for a second and a third tax upon property within the district to be used for the purpose of paying for surveys, plans, engineering work and general expenses.

H. B. No. 463. An Act to amend Section 220.510 of Kentucky Revised Statutes, being a part of Chapter 220 of said Statutes, pertaining to sanitation districts, and providing ways by which the board of such sanitation districts may collect for services rendered from the users of sewer services or sewage disposal services.

H. B. No. 464. An Act relating to the annexation by cities of areas included in sanitation districts organized under Chapter 220 of the Kentucky Revised Statutes.

H. B. No. 472. An Act relating to the board of supervisors of cities of the third class; amending subsection (1) of Section 92.480 of the Kentucky Revised Statutes.

H. B. No. 484. An Act relating to high school service for war veterans.

H. B. No. 485. An Act relating to school taxes, amending Section 160.460 of the Kentucky Revised Statutes.

H. B. No. 486. An Act appropriating money out of the General Expenditure Fund to supply deficiencies in appropriations heretofore made to the following offices, departments, divisions, commissions, institutions, and sub-divisions of the State Government.

H. B. No. 487. An Act appropriating money out of the General Expenditure Fund in the State Treasury for the fiscal year ending June 30, 1948, for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing of former appropriations against which such claims were chargeable.

H. B. No. 488. An Act relating to the licensing of motor vehicles owned by governmental units, amending Section 186.060 and Section 186.240 of the Kentucky Revised Statutes.

H. B. No. 435. An Act relating to revenue and taxation.

Thereupon all other business was suspended, said bills and said resolutions were each and severally read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills and said resolutions to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills and said resolutions duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and said resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 345. An Act relating to financial assistance for the development of airports.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. As used in this Act unless the context requires otherwise:

(1) Any Terms used in this Act that are defined in KRS 183.010 shall have the same meaning as defined in that section.

(2) State Airport Plan means the plan for the development of public airports for the benefit of the Commonwealth of Kentucky.

(3) Development and Airport Development mean:

(1) Any work involved in planning, designing, constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration and repair of airport administrative buildings and the removal, lowering, relocation and marking and lighting of airport hazards; and

(2) any acquisition of land, or any interest therein, or of any easement through or other interest in air space which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of airport hazards and expenses incident to the carrying out of this act.

(4) Public Airport means any airport which is used or to be used for public purposes under the control of a public agency, the landing area of which is publicly owned.

(5) Department means the Department of Aeronautics of Kentucky.

Section II. In carrying out the purposes of this Act, the Department shall consider the views and recommendations

of the Department of National Defense, or any agency of the United States Government subordinate thereto, to the end that the airport development included in such plan may be as useful for national defense as is feasible.

Section III. The Kentucky Department of Aeronautics, any governmental unit, or the Department together with any governmental unit may contract with the federal government in regard to the development of air ports under any Act of Congress providing federal aid to the states in airport development.

Section IV. The Department may contract with a governmental unit and a governmental unit may contract with the Department in regard to the development of airports.

Section V. In order to bring about, in conformity with the National Airport Plan prepared and from time to time revised as provided in the Federal Airport Act, the establishment of a state-wide system of public airports adequate to meet the present and future needs of civil aeronautics, the Department is authorized to render financial assistance by grant or loan or both to any governmental unit in the development of an airport owned or controlled or to be owned or controlled by such governmental unit out of appropriations made by the General Assembly for such purposes. Such financial assistance may be furnished in connection with federal aid, local or other funds available for airport purposes.

Section VI. (1) The development of airports in the State Airport Plan may be undertaken and the cost of such development may be borne as follows:

(a) Airports may be developed by the Commonwealth of Kentucky or by the Commonwealth of Kentucky and the United States Government in cooperation and, when so undertaken, the cost of such development may be borne entirely by the Commonwealth of Kentucky, or by the Commonwealth of Kentucky and the United States Government, or by the United States Government.

(b) Airports may be developed by a governmental unit and the Commonwealth of Kentucky and, when so under-

taken, the cost of such development may be borne by the governmental unit and the Commonwealth of Kentucky.

(c) Airports may be developed by a governmental unit and the United States Government, and, when so undertaken, the cost of such development may be borne by the governmental unit and the United States Government.

(d) Airports may be developed by a governmental unit, the Commonwealth of Kentucky and the United States Government and, when so undertaken, the cost of such development may be borne by the governmental unit, the Commonwealth of Kentucky and the United States Government.

(2) Whenever state funds are used or sought to be used in the development of an airport in the State Airport Plan, the State Treasury shall be designated as the depository for all funds of governmental units, the United States Government, the Commonwealth of Kentucky, and private contributions pledged, contributed, loaned, made available, given or allocated for by the development of such airport. Provided, however, the Department may disregard the provisions of this subsection if such be necessary in order to comply with any law or regulation of the Federal Government. In all other instances of airport development, the governmental unit may designate its own depository for all funds of the governmental unit, United States Government, and private contributions pledged, contributed, loaned, made available, given or allocated for such airport development.

Section VII. The Department may set apart out of moneys appropriated to it for the State Airport Plan an amount equal to any sum allotted to the state by the federal government or any sum necessary to carry on cooperative work with the federal government.

Section VIII. As a condition precedent to the expenditures of any state funds for the development of any airport in the State Airport Plan, the governmental unit shall have, or be in a position to acquire, all lands or other property interests which in the judgment of the Department are necessary for the development of the airport to the class proposed in the State Airport Plan.

Section IX. The Department shall not expend any funds appropriated or made available by the state for the development of public airports, upon any private airports.

Section X. Whenever state funds are used, or sought to be used, all governmental units in this state, whether acting alone or jointly with another governmental unit or with the United States Government or with the state, shall comply with the terms of this Act and all rules and regulations adopted thereunder, and secure the approval of the Department.

Section XI. The Department may make such rules and regulations as are necessary and proper to carry out and foster the provisions of this Act.

Section XII. The provisions of Section 56.030 of the Kentucky Revised Statutes do not apply to land or interest in land or easements thereon partly or wholly paid for out of state funds used in the construction, alteration, or development of airports in the State Airport Plan.

Section XIII. There is hereby created in the State Treasury a special fund to be known as the Kentucky Airport Development Fund. All moneys deposited or paid into this fund, including repayment of any loans made therefrom, are appropriated and shall be available to the Department for the purposes of this Act. All moneys in such fund shall be expended solely for the development of airports in the State Airport Plan. The fund shall consist of all money appropriated by the State and all money received from the United States or from any other source for the purpose of airport development. All moneys in the Kentucky Airport Development Fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury, except that any balance in this fund shall not lapse at any time but shall be continuously available to the Department for the purposes of carrying out the provisions of this Act. A general statement that all continuing appropriations are repealed shall not be construed as abolishing this fund.

Section XIV. There is hereby appropriated out of the surplus cash balance which will be in the State Treasury to the credit of the General Expenditure Fund, as of June 30, 1948, the sum of two hundred and fifty thousand dollars (\$250,000.00) for the fiscal year beginning July 1, 1948, and ending June 30, 1949, the sum of two hundred and fifty thousand dollars (\$250,000.00) for the fiscal year beginning July 1, 1949, and ending June 30, 1950, said sums being appropriated to the Kentucky Airport Development Fund for the development of airports included in the State Airport Plan.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Richard R. Houpt	J. H. Polsgrove
Sidney Bear	Clyde S. Howard	E. F. Prichard
Levi Baker	Ira W. Hulette	Hobart Rayburn
C. E. Baumgardner	Laban P. Jackson	Ottis Roberts
Fred Beshear	Kerby Jennings	F. L. Robinson
Chas. J. Bronston	J. Ernest Jones	Lilburn S. Rogers
Mrs. Mary Burnett	Ercel Kozee	Amos Runyan
Chas. W. Burnley	Harry K. Lowman	Glenn Rushing
Earl W. Christian	W. E. McClure	James J. Shannon
Robert Collins	F. G. Marquette	Paul E. Shannon
Perry M. Cross	E. H. Martin	Chas. L. Spillman
Horace T. Cull	C. D. Moberly	Geo. W. Steinfeld
B. G. Davidson	Archie R. Moore	John M. Stumbo
Kermit Dwyer	Davis Moore	G. C. Thornton
Henry C. Hale	Walter Moorman	Wilford S. Travis
N. M. Hamilton	Fred H. Morgan	John C. Watts
Carson Hibbitts	E. C. Mullins	Rodney Whitlow
C. J. Holsclaw	Joe E. Nunn	Charles W. Wirsch

Those who voted in the negative were—

L. H. Jones	LeRoy Saylor	W. R. Tipton
L. W. Preston		

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had refused to concur in an amendment as proposed and adopted by the House to a bill of the following title, viz.:

S. B. No. 293. An Act to amend Section 64.150 relating to fees of jailers.

(For bill see H. J. of March 18, 1948, ante.)

(For amendment to said bill as proposed and adopted by the House see H. J. of March 18, 1948, ante.)

Mr. John C. Watts moved that the House do now recede from said amendment.

Said motion was agreed to.

And thereupon the House receded from said amendment.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Chas. J. Bronston	Robert Collins
Sidney Baer	Mrs. Mary Burnett	Perry M. Cross
Levi Baker	Chas. W. Burnley	Owen Deering
C. E. Baumgardner	Earl W. Christian	G. I. Drury
Fred Beshear	George I. Cline	Kermit Dwyer

Otto W. Goff	E. H. Martin	Lilburn S. Rogers
N. M. Hamilton	C. D. Moberly	Amos Runyan
E. R. Hilton	Archie R. Moore	Glenn Rushing
C. J. Holsclaw	Davis Moore	Dr. K. N. Salyer
Clyde S. Howard	Walter Moorman	James J. Shannon
R. N. Hubbard	Fred H. Morgan	Chas. L. Spillman
Ira W. Hulette	E. C. Mullins	Geo. W. Steinfeld
Kerby Jennings	H. M. Pewitt	John M. Stumbo
J. Ernest Jones	J. H. Polsgrove	G. C. Thornton
Ercel Kozee	E. F. Prichard	Wilford S. Travis
Harry K. Lowman	Ottis Roberts	John C. Watts
W. E. McClure	F. L. Robinson	Charles W. Wirsch
F. G. Marquette		—52

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz.:

H. B. No. 261. An Act providing compensation, transportation and subsistence while in active field service with the Kentucky National Guard.

With an amendment thereof as proposed and adopted by the Senate.

(For bill see H. J. of March 10, 1948, ante.)

Said amendment to said bill as proposed and adopted by the House is as follows, viz.:

Amend House Bill No. 261 in the Senate by substituting the figures "\$24.44" in place of the figures "\$10.42" at the end of line 8, and by substituting the figures "\$18.33" in place of the figures "\$10.42" at the end of line 9.

Said amendment to said bill was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	C. J. Holsclaw	H. M. Pewitt
Sidney Baer	Clyde S. Howard	J. H. Polsgrove
Levi Baker	R. N. Hubbard	E. F. Prichard
C. E. Baumgardner	Ira W. Hulette	Ottis Roberts
Fred Beshear	Kerby Jennings	F. L. Robinson
Chas. J. Bronston	J. Ernest Jones	Lilburn S. Rogers
Mrs. Mary Burnett	Ercel Kozee	Amos Runyan
Chas. W. Burnley	Harry K. Lowman	Glenn Rushing
Earl W. Christian	W. E. McClure	Dr. K. N. Salyer
George I. Cline	F. G. Marquette	James J. Shannon
Robert Collins	E. H. Martin	Chas. L. Spillman
Perry M. Cross	C. D. Moberly	Geo. W. Steinfeld
Owen Deering	Archie R. Moore	John M. Stumbo
G. I. Drury	Davis Moore	G. C. Thornton
Kermit Dwyer	Walter Moorman	Wilford S. Travis
Otto W. Goff	Fred H. Morgan	John C. Watts
N. M. Hamilton	E. C. Mullins	Charles W. Wirsch
E. R. Hilton		—52

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had passed a bill which originated in the House of the following title, viz.:

H. B. No. 301. An Act relating to the qualifications of members of the police and fire departments of cities of the second or third class.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see H. J. of March 1, 1948, ante.)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz.:

Amend House Bill No. 301, in the Senate, by striking all of lines 8 through 12, and inserting in lieu thereof the following:

“and integrity, and is and has been an orderly, law-abiding citizen. In a city of the second class no person shall be appointed a member of either of such departments if he is over fifty years of age.”

Said amendment to said bill was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	C. J. Holsclaw	H. M. Pewitt
Sidney Baer	Clyde S. Howard	J. H. Polsgrove
Levi Baker	R. N. Hubbard	E. F. Prichard
C. E. Baumgardner	Ira W. Hulette	Ottis Roberts
Fred Beshear	Kerby Jennings	F. L. Robinson
Chas. J. Bronston	J. Ernest Jones	Lilburn S. Rogers
Mrs. Mary Burnett	Ercel Kozee	Amos Runyan
Chas. W. Burnley	Harry K. Lowman	Glenn Rushing
Earl W. Christian	W. E. McClure	Dr. K. N. Salyer
George I. Cline	F. G. Marquette	James J. Shannon
Robert Collins	E. H. Martin	Chas. L. Spillman
Perry M. Cross	C. D. Moberly	Geo. W. Steinfeld
Owen Deering	Archie R. Moore	John M. Stumbo
G. I. Drury	Davis Moore	G. C. Thornton
Kermit Dwyer	Walter Moorman	Wilford S. Travis
Otto W. Goff	Fred H. Morgan	John C. Watts
N. M. Hamilton	E. C. Mullins	Charles W. Wirsch
E. R. Hilton		

Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had passed a bill which originated in the House of the following title, viz.:

H. B. No. 221. An Act relating to the operation of a business enterprises program for the blind.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H. J. February 10, 1948, ante.)

Said amendments to said bill be proposed and adopted by the Senate is as follows, viz.:

Amendment No. 1. Amend House Bill No. 221 in the Senate by striking that part of Section 1 which begins with the words "in other than" in line 15 and ends with the word "Rehabilitation" in lines 28 and 29.

Amendment No. 2. Amend House Bill No. 221 in the Senate by striking from lines 31 and 32 of Section 1 the words "society or individual," and inserting in lieu thereof the words "or society".

Amendment No. 3. Amend House Bill No. 221 in the Senate by striking from lines 35 and 36 of Section 1 the following words:

"be credited to a revolving fund in the State Treasury to".

Said amendment to said bill were each and severally concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	C. J. Holsclaw	H. M. Pewitt
Sidney Baer	Clyde S. Howard	J. H. Polsgrove
Levi Baker	R. N. Hubbard	E. F. Prichard
C. E. Baumgardner	Ira W. Hulette	Ottis Roberts
Fred Beshear	Kerby Jennings	F. L. Robinson
Chas. J. Bronston	J. Ernest Jones	Lilburn S. Rogers
Mrs. Mary Burnett	Ercel Kozee	Amos Runyan
Chas. W. Burnley	Harry K. Lowman	Glenn Rushing
Earl W. Christian	W. E. McClure	Dr. K. N. Salyer
George I. Cline	F. G. Marquette	James J. Shannon
Robert Collins	E. H. Martin	Chas. L. Spillman
Perry M. Cross	C. D. Moberly	Geo. W. Steinfeld
Owen Deering	Archie R. Moore	John M. Stumbo
G. I. Drury	Davis Moore	G. C. Tohrrnton
Kermit Dwyer	Walter Moorman	Wilford S. Travis
Otto W. Goff	Fred H. Morgan	John C. Watts
N. M. Hamilton	E. C. Mullins	Charles W. Wirsch
E. R. Hilton		

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Mr. John C. Watts moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing that they had passed a bill which originated in the House of the following title, viz.:

H. B. No. 47. An Act relating to the employment and compensation of county road employes, amending Section 179.110 of the Kentucky Revised Statutes.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H. J. of March 2, 1948, ante.)

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend H. B. No. 47 in line 7 by adding after the word "court" the words "or the county judge".

Amendment No. 2. Amend H. B. No. 47, in lines 3 and 4, by striking out the words "in the different road precincts of the county" and inserting "for the construction and maintenance of county roads and bridges."

Said amendments to said bill as proposed and adopted by the Senate were concurred in.

Said bill was then passedw as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Robert Collins	Richard R. Houpt
Roy W. Arnold	Perry M. Cross	Clyde S. Howard
Sidney Baer	Horace T. Cull	R. N. Hubbard
Levi Baker	B. G. Davidson	Ira W. Hulette
C. E. Baumgardner	G. I. Drury	Laban P. Jackson
Fred Beshear	Kermit Dwyer	Kerby Jennings
Chas. J. Bronston	Henry C. Hale	Paul S. Jonas
Mrs. Mary Burnett	James P. Hanratty	J. Ernest Jones
Chas. W. Burnley	Carson Hibbitts	L. H. Jones
Earl W. Christian	E. R. Hilton	Ercel Kozee
George I. Cline	C. J. Holsclaw	Harry K. Lowman

W. E. McClure	H. M. Pewitt	Paul E. Shannon
Ed Marcum	J. H. Polsgrove	Chas. L. Spillman
E. H. Martin	L. W. Preston	Geo. W. Steinfeld
C. D. Moberly	E. F. Prichard	John M. Stumbo
Archie R. Moore	Hobart Rayburn	J. B. Veech
Davis Moore	F. L. Robinson	John C. Watts
Walter Moorman	Amos Runyan	Morris Weintraub
Fred H. Morgan	Glenn Rushing	Rodney Whitlow
Joe E. Nunn	LeRoy Saylor	Geo. F. Williamson
H. C. Patterson	James J. Shannon	Charles W. Wirsch

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Those who voted in the negative were—

N. M. Hamilton	E. C. Mullins	G. C. Thornton
D. W. Howard		

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Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 38. An Act to amend Section 75 of the Criminal Code of Practice, relating to bail after conviction and pending appeal.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 75 of the Criminal Code of Practice is amended to read as follows:

In all cases, in the circuit court, when the defendant shall have been convicted of a felony, except in cases where the

jury has inflicted the death penalty, the defendant shall be permitted to execute bond pending his appeal to the Court of Appeals.

The substance of such bonds shall be that he will render himself amenable to the orders and process of the courts, and if his case is affirmed, he will surrender himself to the sheriff of the county of his conviction within thirty days after the affirmance has become final, to be taken by such sheriff to prison as provided in the judgment of conviction, or if his case shall be reversed, he will appear in the next term of the circuit court in which he was convicted, which does not begin within less than ten days of the reversal of the judgment of the circuit court, again to answer said charge.

The bond shall be for a penal sum sufficient to secure the defendant's appearance or his surrender to the court in execution of the judgment if it should be affirmed, and it may be executed before the circuit court or the trial judge at any time before the record is filed in the Court of Appeals, and after that time it may be executed before the Clerk of the Court of Appeals, and in all cases where a bond is allowable hereunder it shall be the duty of the trial judge to fix the sum for which it may be given by an order made a part of the judgment, and which amount so fixed shall govern the authority taking the bond as herein provided for. In either case the bond may be adjudged to be forfeited by order of the circuit court for non-compliance with its terms by the defendant.

II

All acts and parts of acts in conflict herewith are hereby repealed.

III

In view of the fact that there are persons confined under judgments of the courts of this State, who, under the provisions of this act are entitled to execute bond, the provisions hereof shall apply to such persons and all persons hereafter similarly situated and an emergency is hereby declared to exist and this act shall become effective from and after its passage and signing by the Governor of this Commonwealth.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	E. R. Hilton	Harmon S. Overby
Sidney Baer	C. J. Holsclaw	H. M. Pewitt
Levi Baker	Richard R. Houpt	L. W. Preston
Bernhardt Bauer	Clyde S. Howard	Hobart Rayburn.
Fred Beshear	R. N. Hubbard	Ottis Roberts
Chas. J. Bronston	Ira W. Hulette	F. L. Robinson
Mrs. Mary Burnett	Laban P. Jackson	Lilburn S. Rogers
Chas. W. Burnley	Kerby Jennings	Amos Runyan
Earl W. Christian	J. Ernest Jones	Paul E. Shannon
George I. Cline	Ercel Kozee	Chas. L. Spillman
Robert Collins	W. E. McClure	Geo. W. Steinfeld
Perry M. Cross	Ed Marcum	John M. Stumbo
Horace T. Cull	F. G. Marquette	G. C. Thornton
G. I. Drury	C. D. Moberly	John C. Watts
Kermit Dwyer	Archie R. Moore	Lawrence Watts
Otto W. Goff	Davis Moore	Morris Weintraub
Henry C. Hale	Walter Moorman	Rodney Whitlow
N. M. Hamilton	Fred H. Morgan	Charles W. Wirsch
James P. Hanratty	E. C. Mullins	—56

Those who voted in the negative were—

Roy W. Arnold	L. H. Jones	LeRoy Saylor
C. E. Baumgardner	Joe E. Nunn	James J. Shannon

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. No. 53. An Act to amend and to re-enact Section 229.080, Kentucky Revised Statutes, relating to the granting of exemptions from the payment of tax and license fees for the holding of certain athletic exhibitions.

H. B. No. 72. An Act relating to the manner of operation of aircraft above cities, including penalty.

H. B. No. 99. An Act relating to boxing and wrestling, with special reference to the age at which a person may participate in a professional boxing or wrestling match.

H. B. No. 133. An Act to provide for the compensation to the owners of domestic rabbits for destruction or injury by dogs, by amending KRS 258.010 so as to include domestic rabbits in the definition of "livestock".

H. B. No. 135. An Act relating to Revenue and Taxation, repealing and reenacting KRS 132.190, as modified by the elimination of a provision relating to the situs of intangible personal property.

H. B. No. 226. An Act relating to alcoholic beverage control, with particular relation to qualifications for licenses.

H. B. No. 297. An Act relating to taxes upon production of crude petroleum; State and County, amending KRS 137.120.

H. B. No. 471. An Act relating to the working of prisoners outside of the walls of the prison; amending KRS 197.140.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had adopted resolutions which originated in this House of the following titles, viz.:

H. Res. No. 74. A Resolution urging the Congress of the United States to appropriate the funds necessary for the maintenance by the United States Engineers of all levies, seawalls or flood protection walls which have been or may hereafter be erected by the Federal Government or by municipalities for protection against the ravages and damages caused by the rising of the Ohio River and its tributaries.

H. Res. No. 75. A Resolution to His Excellency, The Governor of the Commonwealth of Kentucky.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 249. An Act relating to judicial districts.

Said bill is as follows, viz.:

Whereas, the General Assembly has given due regard to the elements of territory, business and population in the division of the state into judicial districts; and

Whereas, with such due regard, the General Assembly has found the following facts to exist:

1. That the entire population of the state, as of the last preceding Federal Census, is 2,845,627.

2. That upon the basis of such population, additional judicial districts may be established to those now existing, pursuant to Sections 128, 132 and 138 of the Constitution.

3. That the County of McCracken contains a city of more than twenty-thousand inhabitants and has a population, including said city, of more than forty thousand, and thus has the privilege, under Section 138 of the Constitution, of constituting a judicial district.

4. That it will be convenient and advantageous from the standpoint of territory, and will comply with the spirit and intent of the Constitution with respect to population, and will expedite the business of the courts in the counties involved, to create a new judicial district to consist of the Counties of Livingston, Marshall and Calloway, and to change the Third and Fourth Districts so they will consist of the following counties:

Third District—Christian, Lyon and Trigg

Fourth District—Caldwell, Crittenden and Hopkins

Now, Therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Second, Third and Fourth Judicial Districts shall hereafter be composed of the following counties:

Second District. McCracken.

Third District. Christian, Lyon and Trigg.

Fourth District. Caldwell, Crittenden and Hopkins.

§ 2. A new judicial district is established, to be numbered Fortieth Judicial District, and to consist of the Counties of Livingston, Marshall and Calloway.

§ 3. The present circuit judges and Commonwealth's attorneys for the Second, Third and Fourth Judicial Districts, as now constituted, shall retain their respective offices for the terms for which they were elected, for the said districts as they have been changed under this Act.

§ 4. The offices of circuit judge and Commonwealth's attorney for the new judicial district established by this Act, being the Fortieth Judicial District, are hereby created. Until the regular election for circuit judges and Commonwealth's attorneys in 1951, said offices shall be filled as provided in Section 152 of the Constitution for offices in which there is a vacancy.

§ 5. The regular term of each court in the judicial districts dealt with by this Act shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed.

Second District. McCracken County, at Paducah, continuous session.

Third District. Christian County, at Hopkinsville, on the fourth Monday in February, thirty-six juridical days; on the first Monday in June, twenty-four juridical days; and on the fourth Monday in September, thirty-six juridical days.

Lyon County, at Eddyville, on the first Monday in May, on the third Monday in August, and on the first Monday in December, twelve juridical days each.

Trigg County, at Cadiz, on the fourth Monday in January, twenty-four juridical days; on the third Monday in May, twelve juridical days; and on the first Monday in September, eighteen juridical days.

Fourth District. Caldwell County, at Princeton, on the first Monday in March, twelve juridical days; on the first Monday in June and on the fourth Monday in October, eighteen juridical days each.

Crittenden County, at Marion, on the third Monday in March and on the fourth Monday in June, eighteen juridical days each; on the third Monday in November, twelve juridical days.

Hopkins County, at Madisonville, on the first Monday in February, on the first Monday in May and on the fourth Monday in September, twenty-four juridical days each.

Fortieth District. Livingston County, at Smithland, on the second Monday in May, on the first Monday in September, and on the first Monday in December, eighteen juridical days each.

Marshall County, at Benton, on the first Monday in March, twelve juridical days; on the fourth Monday in June,

eighteen juridical days; and on the second Monday in October, twelve juridical days.

Calloway County, at Murray, on the second Monday in April, twenty-one juridical days; on the first Monday in August, eighteen juridical days; and on the first Monday in November, twenty-one juridical days.

§ 6. In order not to disturb any term of court in the districts dealt with by this Act, this Act shall not take effect until September 1, 1948.

Mr. Burnley offered the following amendment to said bill, viz.:

Amend printed copy of Senate Bill 249, on page 4, section 6, line 2, by striking therefrom the date "September 1, 1948" and inserting in lieu thereof the date "January 1, 1952."

Said amendment to said bill was disagreed to.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Chas. J. Bronston	J. Ernest Jones	E. F. Prichard
Mrs. Mary Burnett	E. H. Martin	Chas. L. Spillman
Chas. W. Burnley	Davis Moore	John C. Watts
C. J. Holsclaw	Fred H. Morgan	Morris Weintraub
Kerby Jennings	Harmon S. Overby	
Paul S. Jonas	J. H. Polsgrove	

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Those who voted in the negative were—

Jason Alford	Earl W. Christian	Everett T. Cooper
Bernhardt Bauer	George I. Cline	Perry M. Cross
Fred Beshear	Robert Collins	Horace Cull

B. G. Davidson	Ercel Kozee	F. L. Robinson
Owen Deering	W. E. McClure	LeRoy Saylor
G. I. Drury	F. G. Marquette	James J. Shannon
Kermit Dwyer	C. D. Moberly	John M. Stumbo
Henry C. Hale	Walter Moorman	G. C. Thorton
N. M. Hamilton	E. C. Mullins	Wilford S. Travis
James P. Hanratty	Joe E. Nunn	J. B. Veech
Ira W. Hulette	L. W. Preston	Rodney Whitlow
Laban P. Jackson	Ottis Roberts	Charles W. Wirsch
L. H. Jones		—37

And so said bill was rejected.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 332. An Act relating to budget and financial administration of the State Government, with particular relation to revolving, trust and agency funds; amending KRS 45.140 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 45.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Revolving fund accounts may be established by appropriations for financing activities self-supporting in whole or in part. The operating receipts of such activities shall be deposited in the State Treasury to the credit of the revolving fund so established.

(2) Trust and agency fund accounts may be established to receive and disburse contributions, gifts, donations, devises and Federal appropriations, and, when authorized by law, by depositing all of the fees (which include fees for maintenance in state institutions, incidental fees, tuition fees, fees for board and room, athletics, and student activities), rentals, admittance, sales, licenses collected by law, subventions and other

miscellaneous receipts of such boards, commissions, departments, agencies and institutions.

(3) The head of the budget unit or other responsible fiscal agent of the unit or division for which a revolving, trust or agency fund has been established shall deposit with the State Treasury all receipts of the character above described, and the Department of Finance and State Treasury shall credit all such receipts to the budget unit or division thereof as directed in writing by the head of the budget unit or division thereof, and shall keep a separate account for each fund so established.

(4) The amounts credited to any revolving, trust or agency fund so provided, together with any amount appropriated therefor, may be expended for the purposes of the fund without further specific appropriation. All money received for the fund, except direct appropriations from the state, shall at all times be reserved in the State Treasury available for disbursement for the purpose of the fund in the manner provided by law and shall not be diverted to any other purpose. Revolving funds shall be subject to withdrawal from the State Treasury by the head of each budget unit or unit or division thereof when actually needed, on requisition to the Department of Finance in the same manner as other state funds are withdrawn.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	C. E. Baumgardner	Chas. W. Burnley
Sidney Baer	Fred Beshear	Earl W. Christian
Levi Baker	Chas. J. Bronston	George I. Cline
Bernhardt Bauer	Mrs. Mary Burnett	Everett T. Cooper

Perry M. Cross	Harry K. Lowman	F. L. Robinson
Horace T. Cull	W. E. McClure	Lilburn S. Rogers
Owen Deering	F. G. Marquette	Amos Runyan
G. I. Drury	E. H. Martin	Glenn Rushing
Kermit Dwyer	C. D. Moberly	LeRoy Saylor
Otto W. Goff	Archie R. Moore	James J. Shannon
N. M. Hamilton	Davis Moore	Paul E. Shannon
E. R. Hilton	Walter Moorman	Chas. L. Spillman
C. J. Holsclaw	Fred H. Morgan	John M. Stumbo
Richard R. Houpt	E. C. Mullins	G. C. Thornton
Clyde S. Howard	Joe E. Nunn	Wilford S. Travis
Ira W. Hulette	H. M. Pewitt	J. B. Veech
Laban P. Jackson	J. H. Polsgrove	John C. Watts
Kerby Jennings	L. W. Preston	Morris Weintraub
J. Ernest Jones	E. F. Prichard	Rodney Whitlow
L. H. Jones	Hobart Rayburn	Charles W. Wirsch
Ercel Kozee	Ottis Roberts	—62

There voted in the negative—

Harmon S. Overby

—1

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 41. A Joint Resolution authorizing Clayton Henry, of Index, Morgan County, Ky., to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz.:

Whereas, it is alleged that the Department of Highways, in constructing the highway now known as U. S. Highway

No. 460, near Index, Kentucky, negligently constructed the same and particularly by leaving open ditches on each side of the highway, so as to impair the usefulness of certain real estate owned by Clayton Henry:

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Clayton Henry, of Index, Morgan County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Morgan Circuit Court, for property damages caused by alleged negligence on the part of the Department of Highways and its employes in the performance of their duties.

Said suit shall be for a sum not in excess of \$1,500.

The Attorney General may investigate the claim herein and settle the claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General, shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	James P. Hanratty	Fred H. Morgan
Sidney Baer	E. R. Hilton	E. C. Mullins
Levi Baker	C. J. Holsclaw	H. M. Pewitt
Bernhardt Bauer	Richard R. Houpt	J. H. Polsgrove
C. E. Baumgardner	Clyde S. Howard	E. F. Prichard
Fred Beshear	Ira W. Hulette	Ottis Roberts
Chas. J. Bronston	Laban P. Jackson	Amos Runyan
Mrs. Mary Burnett	Kerby Jennings	Glenn Rushing
Chas. W. Burnley	Paul S. Jonas	LeRoy Saylor
Earl W. Christian	J. Ernest Jones	James J. Shannon
George I. Cline	L. H. Jones	Jesse H. Shelton
Robert Collins	Ercel Kozee	Chas. L. Spillman
Everett T. Cooper	Harry K. Lowman	Geo. W. Steinford
Perry M. Cross	W. E. McClure	G. C. Thornton
Horace T. Cull	Ed Marcum	Wilford S. Travis
Owen Deering	F. G. Marquette	J. B. Veech
G. I. Drury	C. D. Moberly	John C. Watts
Otto W. Goff	Archie R. Moore	Rodney Whitlow
Henry C. Hale	Davis Moore	Geo. F. Williamson
N. M. Hamilton	Walter Moorman	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 32. A Joint Resolution authorizing J. V. Kelley, of Salyersville, Ky., to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That J. V. Kelley, of Salyersville, Kentucky, is authorized to sue the Commonwealth of Kentucky, in the Magoffin Circuit Court, for injuries and damages to his home and property alleged to have been caused by the Department of Highways and its employes, in that the Department of Highways negligently constructed the highway and drainage system through the town of Salyersville, Kentucky, causing the water to overflow, thereby injuring and damaging his property.

Said suit shall be in sum to exceed Five Thousand (\$5,000.00) Dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky, herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	James P. Hanratty	Fred H. Morgan
Sidney Baer	E. R. Hilton	E. C. Mullins
Levi Baker	C. J. Holsclaw	H. M. Pewitt
Bernhardt Bauer	Richard R. Houpt	J. H. Polsgrove
C. E. Baumgardner	Clyde S. Howard	E. F. Prichard
Fred Beshear	Ira W. Hulette	Ottis Roberts
Chas. J. Bronston	Laban P. Jackson	Amos Runyan
Mrs. Mary Burnett	Kerby Jennings	Glenn Rushing
Chas. W. Burnley	Paul S. Jonas	LeRoy Saylor
Earl W. Christian	J. Ernest Jones	James J. Shannon
George I. Cline	L. H. Jones	Jesse H. Shelton
Robert Collins	Ercel Kozee	Chas. L. Spillman
Everett T. Cooper	Harry K. Lowman	Geo. W. Steinfeld
Perry M. Cross	W. E. McClure	G. C. Thornton
Horace T. Cull	Ed Marcum	Wilford S. Travis
Owen Deering	F. G. Marquette	J. B. Veech
G. I. Drury	C. D. Moberly	John C. Watts
Otto W. Goff	Archie R. Moore	Rodney Whitlow
Henry C. Hale	Davis Moore	Geo. F. Williamson
N. M. Hamilton	Walter Moorman	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 25. A Joint Resolution authorizing H. L. Wilkkerson of Dixon, Ky., to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That H. L. Wilkerson is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damage to his crops during the years 1941, 1942, 1943, 1944, 1945, 1946 and 1947, grown on his farm in Webster County, Kentucky, on the north side thereof and south of the Dixon and Slaughters State Highway No. 138, and approximately four miles east of Dixon, Kentucky, which land lies upon the waters of the Winstead Public Ditch, and which farm contains approximately 180 acres.

Said alleged damage was caused by overflows of said Winstead Public Ditch, which ditch passes under a bridge being maintained by the Highway Department of Kentucky at said ditch which flows from south to north and flows along the line of the said H. L. Wilkerson northwardly. The said overflows were due to the fact that the opening is not sufficient to permit the passage of the waters from ordinary rainfalls in that vicinity, which results in damages to the crops of the said H. L. Wilkerson.

Said suit shall be for a sum not in excess of \$9,077.50.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	James P. Hanratty	Fred H. Morgan
Sidney Baer	E. R. Hilton	E. C. Mullins
Levi Baker	C. J. Holsclaw	H. M. Pewitt
Bernhardt Bauer	Richard R. Houpt	J. H. Polsgrove
C. E. Baumgardner	Clyde S. Howard	E. F. Prichard
Fred Beshear	Ira W. Hulette	Ottis Roberts
Chas. J. Bronston	Laban P. Jackson	Amos Runyan
Mrs. Mary Burnett	Kerby Jennings	Glenn Rushing
Chas. W. Burnley	Paul S. Jonas	LeRoy Saylor
Earl W. Christian	J. Ernest Jones	James J. Shannon
George I. Cline	L. H. Jones	Jesse H. Shelton
Robert Collins	Ercel Kozee	Chas. L. Spillman
Everett T. Cooper	Harry K. Lowman	Geo. W. Steinfeld
Perry M. Cross	W. E. McClure	G. C. Thornton
Horace T. Cull	Ed Marcum	Wilford S. Travis
Owen Deering	F. G. Marquette	J. B. Veech
G. I. Drury	C. D. Moberly	John C. Watts
Otto W. Goff	Archie R. Moore	Rodney Whitlow
Henry C. Hale	Davis Moore	Geo. F. Williamson
N. M. Hamilton	Walter Moorman	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 23. A Joint Resolution authorizing Ancil Smith and Maud Smith, of Harlan County, Ky., to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

Said resolution is as follows, viz.:

Whereas, Ancil Smith and Maud Smith, of Harlan County, Kentucky, are the owners of certain real estate located in the town of Baxter, Harlan County, Kentucky, which real estate they allege has been damaged by negligence of the Department of Highways of Kentucky, and its agents, officers and employes, in the construction, maintenance and draining of a state highway adjacent to said real estate, particularly by reason of water being diverted upon said real estate in such a way as to damage the structures located upon said real estate and to require the owners thereof to expend substantial sums for repairs, replacements, and protective walls,

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Ancil Smith and Maud Smith, of Harlan County, Kentucky, are authorized to sue the Commonwealth of Kentucky, and the Department of Highways of Kentucky, or either, in the Harlan Circuit Court, for property damage alleged to have been caused by the Department of Highways and its agents, officers and employes in the construction, maintenance and draining of a state highway adjacent to the real estate owned by said Ancil Smith and Maud Smith in the town of Baxter, Harlan County, Kentucky.

Said suit shall be in a sum not to exceed \$1,150.

The Attorney General may investigate the claim and settle the same before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence nor commented upon by counsel in the argument of the case to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	E. R. Hilton	Fred H. Morgan
Sidney Baer	C. J. Holsclaw	E. C. Mullins
Levi Baker	Richard R. Houpt	H. M. Pewitt
Bernhardt Bauer	Clyde S. Howard	J. H. Polsgrove
C. E. Baumgardner	Ira W. Hulette	E. F. Prichard
Fred Beshear	Laban P. Jackson	Ottis Roberts
Chas. J. Bronston	Kerby Jennings	Amos Runyan
Mrs. Mary Burnett	Paul S. Jonas	Glenn Rushing
Chas. W. Burnley	J. Ernest Jones	LeRoy Saylor
Earl W. Christian	L. H. Jones	James J. Shannon
George I. Cline	Ercel Kozee	Jesse H. Shelton
Robert Collins	Harry K. Lowman	Chas. L. Spillman
Everett T. Cooper	W. E. McClure	Geo. W. Steinfeld
Perry M. Cross	Ed Marcum	G. C. Thornton
Horace T. Cull	F. G. Marquette	Wilford S. Travis
Owen Deering	E. H. Martin	J. B. Veech
G. I. Drury	C. D. Moberly	John C. Watts
Otto W. Goff	Archie R. Moore	Rodney Whitlow
Henry C. Hale	Davis Moore	Geo. F. Williamson
N. M. Hamilton	Walter Moorman	Charles W. Wirsch
James P. Hanratty		

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. 47. A Resolution authorizing E. H. Marhoefer, Jr., Co., to sue the Commonwealth of Kentucky; authorizing a compromise or settlement of such claim or suit; and providing for the payment of any judgment obtained or the amount of any settlement agreed upon.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That—

Whereas, E. H. Marhoefer, Jr., Company was the lowest and best bidder on contracts for the construction of waterworks improvements and a sewage treatment plant and sanitary sewers at Western State Hospital, at or near Hopkinsville, Kentucky; and

Whereas, the contracts for said improvements were awarded to the said E. H. Marhoefer, Jr., Company of said contracts designated and known as Contract H-5, Waterworks Improvement, Western State Hospital, Hopkinsville, Kentucky; Contract H-3, Sewage Treatment Plant, Division 1, Western State Hospital, Hopkinsville, Kentucky; and Contract H-3, Sewage Treatment Plant, Division 2, Western State Hospital, Hopkinsville, Kentucky; and

Whereas, said E. H. Marhoefer, Jr., Company submitted its bids and entered into said contracts in reliance upon plans, specifications and blueprints furnished the bidders and which formed a part of said contracts; and

Whereas, said plans, specifications and blueprints were prepared by an agency of the Commonwealth of Kentucky and purported to show in detail the water and sewage lines to be laid by said contractor, and purported to show the location of old sewage lines which existed under the surface of the ground and which were not visible by an inspection of the premises; and

Whereas, when the work was undertaken the contractor encountered a great many old sewer lines beneath the surface which had not been indicated on plans, blueprints or specifications; and

Whereas, said old sewer and water lines resulted in considerable delay and great additional expense to the contractor, and a great amount of extra work which was not anticipated and reasonably could not have been anticipated at the time the bids were submitted or at the time the contracts were executed; and

Whereas, the contractor contends that because of neglect, inefficiency, incompetency, and malicious and unreasonable requirements made and enforced by the engineer or engineers who supervised for the Commonwealth of Kentucky performance of the work which the contractor was required to do, the contractor was unreasonably delayed in the performance of the work and was required to deviate from the plans and specifications at greatly increased cost to the contractor, and for which the contractor was never compensated; and

Whereas, a dispute has arisen between said contractor and the Commonwealth of Kentucky with respect to additional compensation which the contractor claims to be due him because of various and sundry requirements imposed upon the contract which were not contemplated in or required by said contracts and specifications;

Now, Therefore, in order that the respective rights of the parties may be finally determined, the said E. H. Marhoefer, Jr., Company hereby is authorized to institute and maintain a suit against the Commonwealth of Kentucky, at the contractor's election, either in the Christian Circuit Court or the Franklin Circuit Court, for such additional compensation as it may be entitled to receive and for such damages as it may have sustained, if any. The Attorney General of the Commonwealth of Kentucky may investigate the said claims against the Commonwealth and may compromise or settle said claims before or after suit is filed if he deems it advisable. Any amount adjudged to plaintiff in said suit or agreed upon by settlement with the Attorney General shall be paid out of funds appropriated to the Department of Welfare or out of any other available funds of the Commonwealth, upon warrant drawn by the Commissioner of Finance upon the State Treasurer. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky, as in other civil cases.

Nothing contained in this resolution shall be considered by either the court or jury as substantive evidence on the merits of the alleged claim, and the court shall instruct the jury that the resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies of any liability on the part of the Commonwealth of Kentucky or any of its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	James P. Hanratty	Fred H. Morgan
Sidney Baer	E. R. Hilton	E. C. Mullins
Levi Baker	C. J. Holsclaw	H. M. Pewitt
Bernhardt Bauer	Richard R. Houpt	J. H. Poulsgrove
C. E. Baumgardner	Clyde S. Howard	E. F. Prichard
Fred Beshear	Ira W. Hulette	Ottis Roberts
Chas. J. Bronston	Laban P. Jackson	Amos Runyan
Mrs. Mary Burnett	Kerby Jennings	Glenn Rushing
Chas. W. Burnley	Paul S. Jonas	LeRoy Saylor
Earl W. Christian	J. Ernest Jones	James J. Shannon
George I. Cline	L. H. Jones	Jesse H. Shelton
Robert Collins	Ercel Kozee	Chas. L. Spillman
Everett T. Cooper	Harry K. Lowman	Geo. W. Steinfeld
Perry M. Cross	W. E. McClure	G. C. Thornton
Horace T. Cull	Ed Marcum	Wilford S. Travis
Owen Deering	F. G. Marquette	J. B. Veech
G. I. Drury	C. D. Moberly	John C. Watts
Otto W. Goff	Archie R. Moore	Rodney Whitlow
Henry C. Hale	Davis Moore	Geo. F. Williamson
N. M. Hamilton	Walter Moorman	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 61. A Joint Resolution authorizing payment of the claim of Claud Duff, Sheriff of Owsley County, for services rendered in the return of a fugitive from Justice, and making an appropriation for the purpose.

Said resolution is as follows, viz.:

Whereas, Claud Duff, sheriff of Owsley County, rendered services for the Commonwealth in returning to Owsley County, from the the city of Franklin, Ohio, a fugitive from justice who was duly indicted at the December, 1944, term of the Owsley Circuit Court, and in so doing incurred expenses in the amount of \$45.20; and

Whereas, through oversight and inadvertence, no requisition from the Governor was secured for the return of said fugitive, by reason of which the statutes prevent the payment of said claim, notwithstanding that said claim is just and proper,—

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of \$45.20 for the purpose of paying the claim of Claud Duff, sheriff of Owsley County, Kentucky, for expenses incurred in returning certain fugitive from justice who was indicted at the December, 1944, term of the Owsley Circuit Court. The Commissioner of Finance is authorized and directed to issue his warrant upon the State Treasurer in favor of the said Claud Duff in the amount of \$45.20, and upon receipt of the warrant the State Treasure is authorized and directed to pay the same.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Bernhardt Bauer	Chas. J. Bronston
Sidney Baer	C. E. Baumgardner	Mrs. Mary Burnett
Levi Baker	Fred Beshear	Chas. W. Burnley

Earl W. Christian	Laban P. Jackson	J. H. Polsgrove
George I. Cline	Kerby Jennings	E. F. Prichard
Robert Collins	Paul S. Jonas	Ottis Roberts
Everett T. Cooper	L. H. Jones	Amos Runyan
Perry M. Cross	Ercel Kozee	Glenn Rushing
Horace T. Cull	J. Ernest Jones	LeRoy Saylor
Owen Deering	Harry K. Lowman	James J. Shannon
G. I. Drury	W. E. McClure	Jesse H. Shelton
Otto W. Goff	Ed Marcum	Chas. L. Spillman
Henry C. Hale	F. G. Marquette	Geo. W. Steinfeld
N. M. Hamilton	C. D. Moberly	G. C. Thornton
James P. Hanratty	Archie R. Moore	Wilford S. Travis
E. R. Hilton	Davis Moore	J. B. Veech
C. J. Holsclaw	Walter Moorman	John C. Watts
Richard R. Hought	Fred H. Morgan	Rodney Whitlow
Clyde S. Howard	E. C. Mullins	Geo. F. Williamson
Ira W. Huette	H. M. Pewitt	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 62. A Joint Resolution authorizing the payment of a claim of Chris H. Glanz, Jr., of Louisville, Ky., against the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, the Kentucky State Fair Board leased the Kentucky Horse Show Pavilion to a corporation known as United Sports Enterprises, and,

Whereas, said lease provided for rent in the amount of One Thousand (\$1,000.00) Dollars per month and Ten Percent

(10%) of the gross income from admission of the public and further provided that the Fair would remit Fifteen Hundred (\$1500.00) Dollars of the rent to pay for the reinstallation of heaters, and,

Whereas, the Board and said Corporation desired that the heaters that had formerly been in the Horse Show Pavilion be reinstalled, and,

Whereas, informal and unadvertised bids were asked for the completion of such work, and

Whereas, Chris H. Glanz, Jr., of Louisville, Kentucky, was the low and successful bidder in the amount of Four Thousand Seventy-Five (\$4,075.00) Dollars, there being other bids, the highest being between Eight Thousand (\$8,000.00) Dollars and Nine Thousand (\$9,000.00) Dollars, and,

Whereas, heaters and exhaust fans were installed by Chris H. Glanz, Jr., and,

Whereas, United Sports Enterprises has paid Two Thousand One Hundred Seventy-Five (\$2,175.00) Dollars, and,

Whereas, United Sports Enterprises is now defunct and has terminated its lease, and,

Whereas, there is due Chris H. Glanz, Jr., Nineteen Hundred (\$1900.00) Dollars on said contract, and,

Whereas, the State Fair Board agreed to allow a credit in the amount of Fifteen Hundred (\$1500.00) Dollars in the rent payable to them for the purpose of paying for the reinstallation of heaters, and,

Whereas, none of this Fifteen Hundred (\$1500.00) Dollars has been remitted to pay for such heaters, and

Whereas, such claim has not been paid because there was no advertising of bids, and,

Whereas, the Attorney General recommends payment of said claim,—

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commonwealth of Kentucky is indebted to Chris H. Glanz, Jr., in the amount of Fifteen Hundred (\$1500.00) Dollars for the reasons that goods and services were furnished the Kentucky State Fair Board, and it further appearing said claim is a just claim against the Commonwealth of Kentucky; the Commissioner of Finance is hereby authorized and directed to pay said claim when presented by Chris H. Glanz, Jr., of Louisville, Kentucky, the amount necessary to pay said claim, being Fifteen Hundred (\$1500.00) Dollars, is hereby appropriated out of the State fair fund for that purpose.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Perry M. Cross	Laban P. Jackson
Sidney Baer	Horace T. Cull	Kerby Jennings
Levi Baker	Owen Deering	Paul S. Jonas
Bernhardt Bauer	G. I. Drury	J. Ernest Jones
C. E. Baumgardner	Otto W. Goff	L. H. Jones
Fred Beshear	Henry C. Hale	Ercel Kozee
Chas. J. Bronston	N. M. Hamilton	Harry K. Lowman
Mrs. Mary Burnett	James P. Hanratty	W. E. McClure
Chas. W. Burnley	E. R. Hilton	Ed Marcum
Earl W. Christian	C. J. Holsclaw	F. G. Marquette
George I. Cline	Richard R. Hout	C. D. Moberly
Robert Collins	Clyde S. Howard	Archie R. Moore
Everett T. Cooper	Ira W. Hulette	Davis Moore

Walter Moorman	Amos Runyan	G. C. Thornton
Fred H. Morgan	Glenn Rushing	Wilford S. Travis
E. C. Mullins	LeRoy Saylor	J. B. Veech
H. M. Pewitt	James J. Shannon	John C. Watts
J. H. Polsgrove	Jesse H. Shelton	Rodney Whitlow
E. F. Prichard	Chas. L. Spillman	Geo. F. Williamson
Ottis Roberts	Geo. W. Steinford	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 63. A Joint Resolution providing for the payment of per diem to the Assistant Clerk and the Chief Clerk of the 1944 First and Second Extraordinary Sessions of the General Assembly of Kentucky.

Said resolution is as follows, viz.:

Whereas, Miss Mary Lou Hubbard was the Assistant Clerk of the Senate of Kentucky in the First Extraordinary Session of the General Assembly held in 1944 and, as such, under the Constitution and the Statutes of the Commonwealth of Kentucky, was entitled to \$16.00 per diem for a period of thirty (30) days for the proofreading of the Journals of the Senate, and whereas, she actually performed the duties required by law in this regard in the First Extraordinary Session of 1944, and

Whereas, Miss Mary Lou Hubbard was the Chief Clerk of the Senate of Kentucky in the Second Extraordinary Session of the General Assembly held in 1944 and, as such, under the Constitution and the Statutes of the Commonwealth

of Kentucky, was entitled to \$26.00 per diem for a period of thirty (30) days for the proofreading of the Journals of the Senate, and whereas, she actually performed the duties required by law in this regard in the Second Extraordinary Session of 1944, and

Whereas, the then Commissioner of Finance refused to make the payment provided by the Constitution and the Statutes of \$16.00 per day for thirty days for the Assistant Clerk of the First Extraordinary Session of 1944, and refused to make the payment provided by the Constitution and the Statutes of \$26.00 per day for thirty days for the Chief Clerk of the Second Extraordinary Session of 1944, and

Whereas, under the Constitution Miss Mary Lou Hubbard was entitled to receive as Assistant Clerk of the First Extraordinary Session of 1944 the sum of \$480.00 for proofreading the Journals of the Senate, and whereas, she was entitled to receive as Chief Clerk of the Second Extraordinary Session of 1944 the sum of \$780.00 for proofreading of the Journals of the Senate, and

Whereas, the Commissioner of Finance paid to her only the sum of \$240.00 for the services she performed as Assistant Clerk of the First Extraordinary Session of 1944, which amounted to a deficit of \$240.00 of the amount provided for by the Constitution of the Commonwealth of Kentucky, and

Whereas, the Commissioner of Finance paid to her only the sum of \$390.00 for the services she performed as Chief Clerk of the Second Extraordinary Session of 1944, which amounted to a deficit of \$390.00 of the amount provided for by the Constitution of the Commonwealth of Kentucky, and

Whereas, for said services in both Sessions as Assistant Clerk and as Chief Clerk she was entitled to receive the total sum of \$1,260.00 for services performed in proofreading the Journals of the Senate as provided by the Constitution and was paid only the total sum of \$630.00, and there remains owing to her by the Commonwealth of Kentucky a balance of \$630.00,—

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commonwealth of Kentucky is indebted to Miss Mary Lou Hubbard in the sum of \$630.00 and

Be It Further Resolved that the Commissioner of Finance is hereby directed to issue his warrant in the sum of \$630.00 on the Treasury of the Commonwealth of Kentucky for the payment of such deficit in the amount of \$630.00, and that such sum shall be charged to the current expenses of the General Assembly of the Commonwealth of Kentucky.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Owen Deering	L. H. Jones
Sidney Baer	G. I. Drury	Ercel Kozee
Levi Baker	Otto W. Goff	Harry K. Lowman
Bernhardt Bauer	Henry C. Hale	W. E. McClure
C. E. Baumgardner	N. M. Hamilton	Ed Marcum
Fred Beshear	James P. Hanratty	F. G. Marquette
Chas. J. Bronston	E. R. Hilton	C. D. Moberly
Mrs. Mary Burnett	C. J. Holsclaw	Archie R. Moore
Chas. W. Burnley	Richard R. Houpt	Davis Moore
Earl W. Christian	Clyde S. Howard	Walter Moorman
George I. Cline	Ira W. Hulette	Fred H. Morgan
Robert Collins	Laban P. Jackson	E. C. Mullins
Everett T. Cooper	Kerby Jennings	H. M. Pewitt
Perry M. Cross	Paul S. Jonas	J. H. Polsgrove
Horace T. Cull	J. Ernest Jones	E. F. Prichard

Ottis Roberts	Jesse H. Shelton	J. B. Veech
Amos Runyan	John M. Spaulding	John C. Watts
Glenn Rushing	Chas. L. Spillman	Rodney Whitlow
LeRoy Saylor	G. C. Thornton	Geo. F. Williamson
James J. Shannon	Wilford S. Travis	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 65. A Joint resolution authorizing the personal representative of Bernard J. Berghaus, deceased, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas during the year 1937, Bernard J. Berghaus, of Louisville, was a member of the National Guard of Kentucky; and

Whereas during the flood of 1937 the said Bernard J. Berghaus was duly called to active duty by his commanding officer, and rendered long hours of service without relief and under exposure to severe weather conditions, and as a result thereof he contracted pneumonia and died on February 11, 1937; and

Whereas the said Bernard J. Berghaus was the sole and only support of his mother, Mrs. Catherine B. Berghaus, and as a result of his death she has been left without adequate means of support, and has been deprived of the care and support which she would otherwise have received from her son;

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of Bernard J. Berghaus, deceased, be and hereby is authorized to sue the Commonwealth of Kentucky in the Jefferson Circuit Court for damages resulting to the mother of the said Bernard J. Berghaus as a result of his wrongful death while serving in the line of duty as a member of the National Guard of Kentucky. Such suit shall be for a sum not in excess of \$5,000.

If it is established in such suit that the said Bernard J. Berghaus died as a result of his service in the line of duty as a member of the National Guard of Kentucky, then the moral obligation of the Commonwealth of Kentucky to respond in damages for his wrongful death is hereby expressly recognized, acknowledged and validated.

The Attorney General is hereby authorized to compromise or settle this claim and any settlement that may be so effected or any judgment that may be recovered shall be paid out of the general expenditure fund by warrant of the Department of Finance drawn on the State Treasurer.

Either party to the suit authorized by this Resolution may appeal from any judgment which may be entered therein, as in any other civil case.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Bernhardt Bauer	Chas. J. Bronston
Sidney Baer	C. E. Baumgardner	Mrs. Mary Burnett
Levi Baker	Fred Beshear	Chas. W. Burnley

Earl W. Christian	Laban P. Jackson	J. H. Polsgrove
George I. Cline	Kerby Jennings	E. F. Prichard
Robert Collins	Paul S. Jonas	Ottis Roberts
Everett T. Cooper	J. Ernest Jones	Amos Runyan
Perry M. Cross	L. H. Jones	Glenn Rushing
Horace T. Cull	Ercel Kozee	LeRoy Saylor
Owen Deering	Harry K. Lowman	James J. Shannon
G. I. Drury	W. E. McClure	Jesse H. Shelton
Otto W. Goff	Ed Marcum	Chas. L. Spillman
Henry C. Hale	F. G. Marquette	Geo. W. Steinfeld
N. M. Hamilton	C. D. Moberly	G. C. Thornton
James P. Hanratty	Archie R. Moore	Wilford S. Travis
E. R. Hilton	Davis Moore	J. B. Veech
C. J. Holsclaw	Walter Moorman	John C. Watts
Richard R. Houpt	Fred H. Morgan	Rodney Whitlow
Clyde S. Howard	E. C. Mullins	Geo. F. Williamson
Ira W. Hulette	H. M. Pewitt	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 189. An Act relating to the city-county board of health for cities of the first class and counties containing such cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 212.380 of the Kentucky Revised Statutes of 1946 is amended to read as follows:

(1) The board shall be composed of seven members, two of whom shall be the mayor of the city and the county judge of the county, as members *ex officio*, and five of whom shall be appointed by the joint action of the mayor and the county judge. Each appointive member shall be not less than thirty years of age, intelligent and discreet, and shall have been a continuous resident of the county for at least two years prior to the date of his appointment. At least one of the appointive members must be a licensed pharmacist, and not more than three of the appointive members may be physicians. All appointive members shall be eligible for reappointment.

(2) In the event none of the appointive members of the board heretofore appointed pursuant to Chapter 41 of the Acts of 1942 is a licensed pharmacist, the member appointed to succeed the member whose term expired June 30, 1947, shall be removed from office on June 30, 1948, and a licensed pharmacist shall be appointed to the board in place of such member, to serve for the unexpired term ending June 30, 1951. At the expiration of such term, and every four years thereafter, a licensed pharmacist shall be appointed to the board, to serve for a term of four years and until his successor is appointed and qualified. The two members of the board appointed to succeed the members whose terms expired on June 30, 1944, and the two members appointed to succeed the members whose terms expired on June 30, 1945, shall serve until the expiration of their terms, and thereupon, and every four years thereafter, two members shall be appointed to serve for terms of four years and until their successors are appointed and qualified.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Carson Hibbitts	Fred H. Morgan
Sidney Baer	E. R. Hilton	E. C. Mullins
Levi Baker	C. J. Holsclaw	Joe E. Nunn
Bernhardt Bauer	Richard R. Houpt	H. M. Pewitt
C. E. Baumgardner	Clyde S. Howard	J. H. Polsgrove
Fred Beshear	R. N. Hubbard	E. F. Prichard
Chas. J. Bronston	Ira W. Hulette	Ottis Roberts
Chas. W. Burnley	Laban P. Jackson	F. L. Robinson
Earl W. Christian	Paul S. Jonas	Amos Runyan
George I. Cline	J. Ernest Jones	Glenn Rushing
Robert Collins	L. H. Jones	James J. Shannon
Everett T. Cooper	Ercel Kozee	Chas. L. Spillman
Perry M. Cross	Harry K. Lowman	G. C. Thornton
Horace T. Cull	W. E. McClure	Wilford S. Travis
Owen Deering	F. G. Marquette	John C. Watts
Kermit Dwyer	Archie R. Moore	Morris Weintraub
Otto W. Goff	Davis Moore	Geo. F. Williamson
James P. Hanratty	Walter Moorman	Charles W. Wirsch

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Those who voted in the negative were—

L. W. Preston	LeRoy Saylor	Paul E. Shannon
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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 158. An Act to Regulate the Practice of Chiropody.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Definitions.* As used in this Act:

- (1) "Board" means the State Board of Health;
- (2) "Official Examiners" means the examiners for Chiropody licenses;
- (3) "Chiropody" means the diagnosis, and the local, medical, mechanical and surgical treatment, of ailments of the human foot, and massage therewith, except amputation of the foot or toes, or the use of anaesthetics other than local, or the used of drugs or medicine other than local;
- (4) "Chiropodist" means one who practices chiropody.

§ 2. *Scope and Application of Act.*

This act shall not apply to:

- (1) Any person manufacturing or selling, as merchandise in a duly established mercantile establishment, shoes or appliances designed and intended to equalize pressure on different parts of the foot, or the sale by any licensed druggist of plasters, salves, and lotions for corns, warts, callosities and bunions, provided such persons shall make no diagnosis or recommendation and shall prescribe no remedy or treatment;
- (2) Or interfere in any manner with the practice of any person whose religion treats or administers to the sick or suffering by purely spiritual means, nor with any individual's selection of any such person;
- (3) Physicians licensed by the state board of medical examiners of this state;
- (4) Surgeons of the United States army, navy, United States Veterans Administration, and United States Public Health Service, when in actual performance of their official duties.

§ 3. *License Required.*

No person shall profess to be a chiropodist, or practice or assume the duties incident to chiropody in this state, or use the title "chiropodist" or any words or letters which designate or tend to designate to the public that the person is a

chiropodist, unless he holds a valid, current license from the Board, registered in the county in which the holder is engaged in such practice. Any person who violates this section shall forfeit any right to compensation for services rendered.

§ 4. *Official Examiners.*

(1) There shall be a committee of five official examiners in Chiropody, who shall be appointed by the President of the Board, and whose function it shall be to examine applicants for license to practice chiropody. Two members shall be appointed from members of the Board, and each of the remaining three members shall be a licensed chiropodist, a citizen of the United States and a resident of this state and shall have been engaged in the practice of chiropody in this state for at least five years. The three chiropodist members shall be appointed for terms of three years, and until their successors are appointed and qualified, except that upon the appointment of the first members, one shall be designated to serve for one year, one for two years, and one for three years. The two members appointed from the Board shall be appointed for terms of one year. All appointments of chiropodist members, including appointments to fill vacancies, shall be made from lists of three names for each position submitted by the Kentucky Association of Chiropodists. All vacancies shall be filled by the President of the Board.

(2) No member of the official examiners shall be a stockholder, officer, member of the faculty or board of trustees of any school, college or institution of chiropody.

(3) The official examiners shall have the power, subject to the approval of the President of the Board, to make such rules and regulations, not inconsistent with this Act, as may be necessary in the performance of its duties.

§ 5. *Examinations; issuance of licenses.*

(1) The official examiners shall hold examinations of applicants for licenses to practice chiropody in this state semi-annually at such times and places as the Board shall fix, and shall admit to examination any applicant who:

(a) Is at least twenty-one years of age;

(b) Is a citizen of the United States and a resident of the State of Kentucky;

(c) Is of good moral character and temperate habits; and

(d) Has completed a course in and graduated from a school or college of chiropody approved by the Board; and no school or college of chiropody shall be approved by the Board unless it has a minimum requirement of a course of required study consistent with the Approved Schools of the council on education of the National Association of Chiropodists as recommended by the official examiners.

(2) The examination shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, histology, pathology, dermatology, pedi-surgery, physio-therapy, diagnosis and treatment, materia medica and therapeutics, and other subjects as these subjects relate to antiseptics and anaesthetics, and clinical chiropody, but the examination shall be so limited in its scope as to cover only the minimum requirements for chiropody educations.

(3) Applicants for examination shall present their credentials to the Board by mail upon forms furnished by the Board, and shall receive due notice of the place and date of the examination. Each application shall contain proof of the qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by an examination fee of Twenty-five Dollars.

(4) The Board shall issue a license to any person who complies with the provisions of this Act and who satisfactorily passes the examination.

§ 6. *Existing Practitioners.*

Chiropodists holding certificates under the Drugless Practice Act [KRS 311.070] and actively engaged in the practice of chiropody in this state at the time of the passage of this Act shall, upon furnishing proof thereof to the Board, and upon payment of the renewal license fee of Five Dollars, be entitled to a license without examination. Application for such licenses shall be filed with the Board not later than sixty days after this Act becomes effective.

§ 7. *Registration of Licenses.*

Every person licensed to practice chiropody shall, within thirty days after issuance, file his license with the county clerk of each county in which he desires to engage in the practice of chiropody, and shall pay the county clerk a recording fee of fifty cents. The clerk shall keep a record of chiropodists' licenses in a book in his office.

§ 8. *Expiration Date of License; Renewal; Fee.*

(1) Licenses granted under this Act shall expire on June 30 following the date of issuance unless sooner revoked and canceled.

(2) Licenses may be renewed annually by filing an application for renewal with the Board prior to July 1 of each year, upon blanks prescribed by the Board, and paying a renewal fee of Five Dollars. The Board shall annually send notices to all licensed chiropodists in this state prior to this date.

§ 9. *Chiropodist to Practice under Own Name; Title Used.*

(1) No person shall offer to practice chiropody under the name of any company. Any person practicing or offering to practice chiropody shall practice under his own name only, as his name appears in his license.

(2) No person practicing or offering to practice chiropody shall use any title or abbreviation thereof except the designation "Chiropodist". The term "Foot Specialist" may be used in conjunction with the title "Chiropodist," but not as a substitute therefor and not alone.

§ 10. *Chiropodist to Display Licenses; Advertising.*

(1) Any person who practices chiropody shall display his license, together with the annual license renewal certificate, in a conspicuous place in the office in which he practices.

(2) No person practicing or offering to practice chiropody shall in any manner advertise the prices charged for his services; nor shall he advertise in newspapers, in periodicals, by handbills or circulars, or in bold-face type in any printed matter, or by the use of any form of display sign; except that

he may, upon opening an office or upon change of address, mail or publish announcements to that effect provided such announcements shall appear more than three times in public print, and the form of such announcement shall be determined by the official examiners.

§ 11. *Grounds for Denial, Revocation or suspension of License.*

The Board may refuse to license or renew, or may suspend or revoke the license of any chiropodist, upon proof that he:

- (1) Has been convicted of a felony;
- (2) Has been guilty of moral turpitude or conduct likely to deceive or defraud the public;
- (3) Has employed, hired, procured or induced a person not licensed to practice chiropody in this state to so practice.
- (4) Has aided or abetted in the practice of chiropody a person not licensed to practice chiropody in this state;
- (5) Has been granted a license upon a mistake of a material fact; or
- (6) Has violated any provision of this Act.

§ 12. *Proceedings to Revoke, Suspend or Refuse to Renew License.*

(1) A suspension or revocation of a license, or a refusal to renew a license, may be made by the Board only after a hearing of which the accused has been given adequate notice. At the hearing, the Board and the accused shall have the benefit of counsel.

(2) The Board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in person as in civil cases by subpoena issued over the signature of the President of the Board and in the name of the state.

§ 13. *Record of Revocation or Suspension.*

The revocation or suspension of any license shall be noted upon the records of the Board, and a revoked license shall be marked as canceled upon the date of its revocation. The

Board shall, upon entry of an order of suspension or revocation, transmit to the county clerk of the county in which the license affected by the order is recorded, a certified copy of the order, which shall be recorded in the same manner and the same book in which the record of the license is kept.

§ 14. *Appeal from Order of Revocation or Suspension.*

A licensee whose license has been revoked or suspended by the Board, or who has been refused a renewal license, may, within thirty days of the entry of the order, appeal to the circuit court of the county in which the hearing was held. The person taking the appeal shall serve upon the Board a written notice of the appeal, and shall file with the Board an appeal board with good and sufficient surety, to be approved by the President of the Board, conditioned for the speedy prosecution of the appeal and the payment of any costs charged against him upon the appeal. The Board, within ten days after the service of notice of appeal and the filing and approval of the bond, shall transmit to the clerk of the court a certified copy, under the seal of the Board, of the accusations on which the ruling of the Board was based and the ground for appeal, together with the notice and bond of appeal. The clerk shall then docket the case and it shall be tried in all respects like an ordinary civil action. Either party may appeal from the judgment of the circuit court to the Court of Appeals as in a civil action. The order appealed from shall be stayed from the date of the approval of the bond until final determination of the appeal.

§ 15. *Penalties.*

Any person who shall present to the county clerk for the purpose of registration any license which has been fraudulently obtained, or shall obtain any license under this Act by false or fraudulent statement or representation, or shall practice chiropody under a false or assumed name or shall falsely impersonate another practitioner or former practitioner of a like or different name, or shall aid and abet any person in the practice of chiropody within the state without conforming to the requirements of this Act, or shall otherwise violate or neglect to comply with any of the provisions of this Act, shall

be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned in the county jail for a term of not less than three months nor more than one year, or both so fined and imprisoned. Each case of practicing chiropody in violation of the provisions of this Act shall be considered a separate offense.

§ 16. *Application of drugless practice law.*

The provisions of KRS 311.070 shall not apply to the examination and licensing of chiropodists.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Carson Hibbitts	Fred H. Morgan
Sidney Baer	E. R. Hilton	E. C. Mullins
Levi Baker	C. J. Holsclaw	Joe E. Nunn
Bernhardt Bauer	Richard R. Houpt	H. M. Pewitt
C. E. Baumgardner	Clyde S. Howard	J. H. Polsgrove
Fred Beshear	R. N. Hubbard	E. F. Prichard
Chas. J. Bronston	Ira W. Hulette	Ottis Roberts
Chas. W. Burnley	Laban P. Jackson	F. L. Robinson
Earl W. Christian	Paul S. Jonas	Amos Runyan
George I. Cline	J. Ernest Jones	Glenn Rushing
Robert Collins	L. H. Jones	James J. Shannon
Everett T. Cooper	Ercel Kozee	Chas. L. Spillman
Perry M. Cross	Harry K. Lowman	G. C. Thornton
Horace T. Cull	W. E. McClure	Wilford S. Travis
Owen Deering	F. G. Marquette	John C. Watts
Kermit Dwyer	Archie R. Moore	Morris Weintraub
Otto W. Goff	Davis Moore	Geo. F. Williamson
James P. Hanratty	Walter Moorman	Charles W. Wirsch

Those who voted in the negative were—

L. W. Preston LeRoy Saylor Paul E. Shannon

—3

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 255. An Act relating to police court judge and police court judge pro tem in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 26.220 of the Kentucky Revised Statutes is hereby repealed and re-enacted and as so re-enacted shall read:

The judge of the Police Court of a city of the first class may appoint a pro tem judge of the police court. The pro tem judge shall hold office at the pleasure of the judge, and shall have the same rights, powers and duties as the regular judge, whenever the regular judge fails to attend and hold court, or vacates the bench. The pro tem judge shall not practice any case in the police court. The pro tem judge shall have the same qualifications as the regular judge, and shall receive a salary of three thousand dollars per annum, payable semi-monthly by the city.

Section 2. This Act shall not take effect until December 1, 1949.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its aialt only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Richard R. Houpt	J. H. Polsgrove
Sidney Baer	Clyde S. Howard	L. W. Preston
Levi Baker	R. N. Hubbard	E. F. Prichard
Bernhardt Bauer	Ira W. Hulette	Ottis Roberts
C. E. Baumgardner	Laban P. Jackson	F. L. Robinson
Fred Beshear	Kerby Jennings	Lilburn S. Rogers
Chas. J. Bronston	Paul S. Jonas	Amos Runyan
Mrs. Mary Burnett	J. Ernest Jones	Glenn Rushing
Chas. W. Burnley	Ercel Kozee	LeRoy Saylor
Earl W. Christian	Harry K. Lowman	James J. Shannon
George I. Cline	W. E. McClure	Chas. L. Spillman
Everett T. Cooper	Ed Marcum	Geo. W. Steinfeld
Perry M. Cross	F. G. Marquette	G. C. Thornton
Horace T. Cull	C. D. Moberly	Wilford S. Travis
G. I. Drury	Archie R. Moore	John C. Watts
Kermit Dwyer	Davis Moore	Morris Weintraub
Otto W. Goff	Fred H. Morgan	Rodney Whitlow
Henry C. Hale	E. C. Mullins	Geo. F. Williamson
E. R. Hilton	H. M. Pewitt	Charles W. Wirsch
C. J. Holsclaw		

—58

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 296. An Act relating to city-county airboards in counties containing a city of the first class; amending Section 183.160 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 183.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) Members of the board shall serve without compensation but shall be allowed any reasonable expenses incurred by them in the conduct of the affairs of the board. The commission shall, upon the appointment of its members, organize and elect officers. It shall elect a chairman from its members to serve for one year, and it shall annually elect thereafter a chairman.

(2) The board shall employ necessary counsel, agents and employes to carry out its work and functions, and to prescribe such rules and regulations as it deems necessary.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Chas. W. Burnley	Otto W. Goff
Sidney Baer	Earl W. Christian	Henry C. Hale
Levi Baker	George I. Cline	E. R. Hilton
Bernhardt Bauer	Everett T. Cooper	C. J. Holsclaw
C. E. Baumgardner	Perry M. Cross	Richard R. Houpt
Fred Beshear	Horace T. Cull	Clyde S. Howard
Chas. J. Bronston	G. I. Drury	R. N. Hubbard
Mrs. Mary Burnett	Kermit Dwyer	Ira W. Hulette

Laban P. Jackson	Fred H. Morgan	LeRoy Saylor
Kerby Jennings	E. C. Mullins	James J. Shannon
Paul S. Jonas	H. M. Pewitt	Chas. L. Spillman
J. Ernest Jones	J. H. Polsgrove	Geo. W. Steinfeld
Ercel Kozee	L. W. Preston	G. C. Thornton
Harry K. Lowman	E. F. Prichard	Wilford S. Travis
W. E. McClure	Ottis Roberts	John C. Watts
Ed Marcum	F. L. Robinson	Morris Weintraub
F. G. Marquette	Lilburn S. Rogers	Rodney Whitlow
C. D. Moberly	Amos Runyan	Geo. F. Williamson
Archie R. Moore	Glenn Rushing	Charles W. Wirsch
Davis Moore		—58

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 164. An Act relating to the establishment of group plan insurance for employes of cities and their boards and commissions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The legislative body of any city and boards and commissions appointed by the legislative body are authorized to form their employes into a group, or groups, for the purpose of their obtaining the advantages of the group plan of life insurance, to aid such employes as long as they continue under such employment by paying from the funds of the city or from the operating expense fund of such board or commission any sum annually not exceeding fifty percent of the annual

premiums on such policies, to deduct from the salaries of said employes that part of the premiums which are to be paid by them and to contract with the insurer on such terms as may be provided for in such policies of insurance.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Richard R. Houpt	J. H. Polsgrove
Sidney Baer	Clyde S. Howard	L. W. Preston
Levi Baker	R. N. Hubbard	E. F. Prichard
Bernhardt Bauer	Ira W. Hulette	Ottis Roberts
C. E. Baumgardner	Laban P. Jackson	F. L. Robinson
Fred Beshear	Kerby Jennings	Lilburn S. Rogers
Chas. J. Bronston	Paul S. Jonas	Amos Runyan
Mrs. Mary Burnett	J. Ernest Jones	Glenn Rushing
Chas. W. Burnley	Ercel Kozee	LeRoy Saylor
Earl W. Christian	Harry K. Lowman	James J. Shannon
George I. Cline	W. E. McClure	Chas. L. Spillman
Everett T. Cooper	Ed Marcum	Geo. W. Steinfeld
Perry M. Cross	F. G. Marquette	G. C. Thornton
Horace T. Cull	C. D. Moberly	Wilford S. Travis
G. I. Drury	Archie R. Moore	John C. Watts
Kermit Dwyer	Davis Moore	Morris Weintraub
Otto W. Goff	Fred H. Morgan	Rodney Whitlow
Henry C. Hale	E. C. Mullins	Geo. F. Williamson
E. R. Hilton	H. M. Pewitt	Charles W. Wirsch
C. J. Holsclaw		

—58

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion wa sagreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 203. An Act to amend Sub-section (2) of Section 69.110 of Kentucky Revised Statutes pertaining to district detectives in counties containing cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Subsection (2) of Section 69.110 of Kentucky Revised Statutes be amended so that when amended it shall read as follows:

In counties containing a city of the second class the Commonwealth's attorney shall appoint a district detective for a term of four years subject to removal at any time by the Commonwealth's attorney. He shall receive an annual salary of not less than eighteen hundred dollars, nor more than thirty-six hundred dollars, to be paid out of the county levy in equal monthly installments.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Bernhardt Bauer	Chas. J. Bronston
Sidney Baer	C. E. Baumgardner	Mrs. Mary Burnett
Levi Baker	Fred Beshear	Chas. W. Burnley

Earl W. Christian	Paul S. Jonas	Ottis Roberts
George I. Cline	J. Ernest Jones	F. L. Robinson
Everett T. Cooper	Ercel Kozee	Lilburn S. Rogers
Perry M. Cross	Harry K. Lowman	Amos Runyan
Horace T. Cull	W. E. McClure	Glenn Rushing
G. I. Drury	Ed Marcum	LeRoy Saylor
Kermit Dwyer	F. G. Marquette	James J. Shannon
Otto W. Goff	C. D. Moberly	Chas. L. Spillman
Henry C. Hale	Archie R. Moore	Geo. W. Steinfeld
E. R. Hilton	Davis Moore	G. C. Thornton
C. J. Holsclaw	Fred H. Morgan	Wilford S. Travis
Richard R. Houpt	E. C. Mullins	John C. Watts
Clyde S. Howard	H. M. Pewitt	Morris Weintraub
R. N. Hubbard	J. H. Polsgrove	Rodney Whitlow
Ira W. Hulette	L. W. Preston	Geo. F. Williamson
Laban P. Jackson	E. F. Prichard	Charles W. Wirsch
Kerby Jennings		—58

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 91. An Act relating to the compensation of stenographers of county judges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That KRS 25.310 is hereby repealed, amended and re-enacted so that as thus amended and re-enacted it shall read as follows:

The stenographer shall continue to receive the salary now fixed by law and paid out of the county levy; provided, however, that such salary may be increased or decreased to the amount fixed by the county judge by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court. In counties other than those containing a city of the first class the salary shall not exceed \$1,800 per annum, except that in counties containing cities of the second class the salary paid to the stenographer to the county judge shall not exceed the sum of \$3,000 per annum.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Richard R. Houpt	L. W. Preston
Sidney Baer	Clyde S. Howard	E. F. Prichard
Levi Baker	R. N. Hubbard	Ottis Roberts
Bernhardt Bauer	Ira W. Hulette	F. L. Robinson
C. E. Baumgardner	Laban P. Jackson	Lilburn S. Rogers
Fred Beshear	Kerby Jennings	Amos Runyan
Chas. J. Bronston	Paul S. Jonas	Glenn Rushing
Mrs. Mary Burnett	J. Ernest Jones	LeRoy Saylor
Chas. W. Burnley	Ercel Kozee	James J. Shannon
Earl W. Christian	Harry K. Lowman	Chas. L. Spillman
George I. Cline	W. E. McClure	Geo. W. Steinfeld
Everett T. Cooper	Ed Marcum	G. C. Thornton
Perry M. Cross	F. G. Marquette	Wilford S. Travis
Horace T. Cull	C. D. Moberly	John C. Watts
G. I. Drury	Archie R. Moore	Morris Weintraub
Kermit Dwyer	Davis Moore	Rodney Whitlow
Otto W. Goff	Fred H. Morgan	Geo. F. Williamson
Henry C. Hale	E. C. Mullins	Charles W. Wirsch
E. R. Hilton	H. M. Pewitt	
C. J. Holsclaw	J. H. Polsgrove	

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 181. An Act regulating the propagation and keeping of bees, the suppression of contagious diseases among bees, providing for the registration and regulation of apiaries; and repealing Chapter 252 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise: (1) "Bees" means any stage of the common hive or honey bee (*Apis mellifica*) or other bees kept for the production of honey or wax.

(2) "Bee diseases" means American or European foul brood, sacbrood, bee paralysis, disappearing disease, Isle of Wight disease, or any other disease or abnormal condition of the eggs, larval, pupal or adult stages of bees.

(3) "Apiary" means any place where one or more colonies or nuclei of bees are kept.

(4) "Queen apiaries" means any apiary in which queen bees shall be reared for sale or gift.

(5) "Hive" means any modern frame hive, box hive, box, barrel, log gum, skep, or any other receptacle, natural or artificial, or any part thereof which may be used as a domicile for bees.

(6) "Appliances" means any honey house, used tools, machines, or devices used in the handling or manipulation of bees, honey, wax, or used hives. It shall also mean any container of honey, or wax, which may be used in an apiary.

(7) "Department" means the Department of Agriculture, Labor and Statistics or any division thereof to which the administration of this Act may be delegated by the Commissioner of Agriculture, Labor and Statistics.

(8) "Commissioner" means the Commissioner of Agriculture, Labor, and Statistics.

Section 2. The commissioner may appoint a competent person as state apiarist, and such number of deputy state apiarists as may be necessary to carry out the provisions of this Act, and to fix their compensation. The state apiarist and deputy state apiarists shall be vested with the powers of police officers in the enforcement of the provisions of this act.

Section 3. The commissioner may make and enforce such rules and orders as in his judgment may be necessary to control, eradicate or prevent the introduction, spread or dissemination of any and all bee diseases. In the control or eradication of dangerous bee diseases the commissioner may destroy by burning or otherwise any infected bees, hives, honey or appliances that he may deem necessary for such control or eradication, without remuneration to the owner. Such infected bees, hives, honey and appliances shall be deemed a public nuisance.

Section 4. For the purposes of this act the commissioner may establish and maintain quarantines prohibiting the shipment into or within the state, or any subdivision thereof of any bees, queen bees, used hives or any part thereof, used appliances or any material capable of transmitting any bee diseases, for such periods and under such conditions as he may deem necessary to control, eradicate or prevent the introduction, spread, or dissemination of any and all bee diseases, giving such notice thereof as may be prescribed by the commissioner, and during the existence of such order no person shall remove or ship from such area any such material whatever except by special permission or order of the com-

missioner; provided, however, that before the commissioner shall promulgate the order of quarantine as provided in this section, the commissioner, shall after due notice to interested persons, give a public hearing under such rules and regulations as the commissioner shall prescribe, at which hearing any interested person may appear and be heard, either in person or by attorney.

Section 5. (1) Any person in interest or affected by any order of the commissioner or state apiarist may appeal therefrom to the commissioner within five days of the service of such order upon him setting forth in writing specifically and in full detail the order on which a hearing is desired, and every reason why such order is deemed unreasonable.

(2) On receipt of such appeal the commissioner shall with reasonable promptness order a hearing thereon and consider and determine the matters in question. Notice of the time and place of hearing shall be given to the petitioner and to such other persons as the commissioner may direct. Such appeal shall suspend the operation of the order appealed from except as to the orders of the commissioner promulgating a quarantine as provided in Section 4 hereof. All hearings of the commissioner shall be open to the public and his decisions shall be final. The appellant may be represented by an attorney.

Section 6. Every person owning or possessing bees shall on or before the first day of July of each year file with the commissioner an application for registration, which application shall set forth the exact location of his apiary or apiaries, the number of colonies of bees in each apiary owned by him or in his possession or under his control, together with such other information as may be required by the commissioner and such person shall pay to the commissioner by draft or money order, made payable to the state department of agriculture, at the time of registration, the sum of not less than 25c nor more than \$3.00 for each owner of an apiary, including all of his branch apiaries. The scale of said fees to be as follows:

1 to 10 colonies	\$.25
11 to 50 colonies	.50

51 to 200 colonies	1.00
201 to 300 colonies	1.50
301 to 400 colonies	2.00
401 and up colonies	3.00

The commissioner shall issue and deliver to each applicant a receipt declaring that the holder thereof is duly registered and has paid the fees required by law. All sums collected under this section shall be used for carrying out the provisions of this Act.

Section 7. The commissioner may at any time revoke any certificate for cause, including any violation of this Act, or nonconformity with any rule or order promulgated under this Act.

Section 8. For the purposes of this Act the commissioner or his duly authorized representatives shall have access and egress to any apiary or any premises, buildings or other place, public or private, in which he has reason to believe that bees, honey, wax, used hives or used appliances are kept, and any and all persons who shall resist, or hinder the commissioner or his duly authorized representative in the discharge of his duties under the provisions of this Act shall be guilty of a violation of this Act, provided, however, that no occupied dwelling may be entered without a search warrant.

Section 9. The commissioner shall publish an annual report giving among other things the number and location, by counties, of colonies inspected, number of colonies found with disease, and a detailed financial statement of all moneys received and expended, and such other information concerning the inspection of bees, or bee diseases as he may deem necessary to the carrying out of the provisions of this Act. He shall also, from time to time, publish all rules and orders promulgated under the terms of this Act.

Section 10. Any person violating any of the provisions of this act shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not exceeding sixty days, or by both such fine and imprisonment in the discretion of the court. In addition to the penalties here-

inbefore provided, bees or combs, used hives, or other used apiary appliances brought into this state in violation of the provisions of this Act shall be confiscated and destroyed.

Section 11. All sums received for registration fees issued under the provisions of this Act during the fiscal years 1947-48 and 1948-49 shall be placed in the State Treasury to the credit of a revolving fund to be used by the Commissioner of Agriculture for the purpose of administering and enforcing the provisions of this Act.

Section 12. This Act shall take effect on July 1, 1948. Chapter 252 of the Kentucky Revised Statutes is repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Sidney Baer	Carson Hibbitts	Archie R. Moore
Levi Baker	E. R. Hilton	Davis Moore
Bernhardt Bauer	C. J. Holsclaw	Walter Moorman
Fred Beshear	Clyde S. Howard	Fred H. Morgan
Chas. J. Bronston	R. N. Hubbard	E. C. Mullins
Mrs. Mary Burnett	Ira W. Hulette	Joe E. Nunn
Chas. W. Burnley	Laban P. Jackson	H. M. Pewitt
George I. Cline	Kerby Jennings	J. H. Polsgrove
Robert Collins	Paul S. Jonas	L. W. Preston
Everett T. Cooper	J. Ernest Jones	E. F. Prichard
Perry M. Cross	Ercel Kozee	Ottis Roberts
Owen Deering	Harry K. Lowman	Amos Runyan
G. I. Drury	W. E. McClure	Glenn Rushing
Kermit Dwyer	Ed Marcum	LeRoy Saylor
Otto W. Goff	F. G. Marquette	James J. Shannor.
N. M. Hamilton	E. H. Martin	Geo. W. Steinfeld
James P. Hanratty	C. D. Moberly	John M. Stumbo

G. C. Thornton	Morris Weintraub	Geo. F. Williamson
Wilford S. Travis	Rodney Whitlow	Charles W. Wirsch
John C. Watts		—58

There voted in the negative—

Harmon S. Overby —1

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 120. An Act relating to poultry and eggs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. In order to promote the poultry industry of this state, the Livestock Sanitary Division of the Department of Agriculture, Labor and Statistics is hereby authorized to cooperate with the U. S. Department of Agriculture in the promulgation and enforcement of regulations for the control and eradication of Pullorum Disease.

Section II. The Livestock Sanitary Division is hereby authorized to make such regulations as may be necessary, after public hearing following due public notice, to carry out the provisions of this Act.

Section III. Chickens, turkeys, or other poultry over 5 months of age intended for breeding purposes shall not be imported into the state unless they have passed a negative agglutination test for pullorum disease under the supervision

of a livestock sanitary authority within 30 days preceding date of importation, or have originated from flocks authoratively participating in such pullorum control and eradication phase of the National Poultry Improvement Plan or National Turkey Improvement Plan as may be adopted in this state.

Section IV. All poultry under 5 months of age including baby chicks, started chicks, turkey poults, and other newly hatched domestic poultry except those intended for immediate slaughter which may be admitted under permit issued by the Livestock Sanitary Division, and hatching eggs sold or offered for sale in this state shall have originated from flocks that meet the Pullorum requirements of the Kentucky Poultry Improvement Plan or the Kentucky Turkey Improvement Plan, and the regulations issued by authority of this Act for the control and eradication of Pullorum disease. Nothing in this Act, however, shall require any hatchery, dealer or flock owner to participate in the National Poultry Improvement Plan or the National Turkey Improvement Plan.

Section V. All poultry under 5 months of age, including baby chicks, started chicks, turkey poults, other newly hatched domestic poultry except those intended for immediate slaughter, and hatching eggs shipped or otherwise brought into this state shall have originated in flocks that meet the Pullorum requirements of the National Poultry Improvement Plan, the National Turkey Improvement Plan, the Kentucky Poultry Improvement Association, and the regulations issued by authority of this Act. Every container of poultry under 5 months of age, including baby chicks, started chicks, turkey poults, and any other newly hatched domestic poultry, except those intended for immediate slaughter, and hatching eggs shipped or otherwise brought into this state shall bear an official label or certificate showing the name and address of the shipper, the authority under which the testing for pullorum disease was done and the pullorum control and eradication class of the product, the use of said certificate or label to be approved by the official state agency or the livestock sanitary official of the state of origin.

Section VI. No person, firm or corporation shall operate a public hatchery, and no person, dealer, jobber, peddler or

huckster in baby chicks, started chicks, turkey poults, other newly hatched domestic poultry, and hatching eggs shall operate as such within this state without obtaining an annual permit from the Livestock Sanitary Division to so operate, and paying a permit fee of \$10.00 per annum. This is not intended to require a permit of hatcheries, chick dealers, chick salesmen or corporations selling less than 1,000 chicks per year, or egg dealers selling less than 3,500 eggs per year.

Section VII. Any person, firm or corporation who shall violate any provision of this Act or any Rule or Regulation made under authority of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$100.00 for each offense.

Section VIII. Any permit may be suspended or canceled by the Livestock Sanitary Division, after opportunity for a hearing, for any violation of this Act or the Regulations promulgated thereunder. Any person who is refused a permit or whose permit is revoked may appeal such refusal or revocation to the Circuit Court of Franklin County.

Section IX. The Livestock Sanitary Division may at its discretion confiscate, destroy, return or otherwise dispose of all hatching eggs, chicks, poults, breeding stock or birds of any species that are produced in the state or enter the state not in compliance with this Act.

Section X. The permit year shall extend from July 1 of each year to June 30 of the following year.

Section XI. All money collected under the provisions of this Act shall be paid to the State Treasurer and by him placed in a Revolving Fund to be used by the Kentucky Department of Agriculture for the purpose of enforcing the provisions of this Act.

Section XII. Whereas, the uncontrolled hatching, sale, and importing of poultry and hatching eggs constitutes a serious and immediate danger to the public health, and to the poultry industry of Kentucky, an emergency is declared to exist and this Act shall take effect upon its passage and the approval of the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Sidney Baer	Clyde S. Howard	Joe E. Nunn
Levi Baker	R. N. Hubbard	H. M. Pewitt
Bernhardt Bauer	Ira W. Hulette	J. H. Polsgrove
Fred Beshear	Laban P. Jackson	L. W. Preston
Chas. J. Bronston	Kerby Jennings	E. F. Prichard
Mrs. Mary Burnett	Paul S. Jonas	Ottis Roberts
Chas. W. Burnley	J. Ernest Jones	Amos Runyan
George I. Cline	Ercel Kozee	Glenn Rushing
Robert Collins	Harry K. Lowman	LeRoy Saylor
Everett T. Cooper	W. E. McClure	James J. Shannon
Perry M. Cross	Ed Marcum	Geo. W. Steinfeld
Owen Deering	F. G. Marquette	John M. Stumbo
G. I. Drury	E. H. Martin	G. C. Thornton
Kermit Dwyer	C. D. Moberly	Wilford S. Travis
Otto W. Goff	Archie R. Moore	John C. Watts
N. M. Hamilton	Davis Moore	Morris Weintraub
James P. Hanratty	Walter Moorman	Rodney Whitlow
Carson Hibbitts	Fred H. Morgan	Geo. F. Williamson
E. R. Hilton	E. C. Mullins	Charles W. Wirsch
C. J. Holsclaw		—58

There voted in the negative—

Harmon S. Overby

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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 123. An Act to repeal, amend and re-enact Section 57.340, Kentucky Revised Statutes, relating to statutes and codes furnished to circuit judges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 57.340, Kentucky Revised Statutes, be repealed, amended and re-enacted so that when re-enacted said section shall read as follows:

On a certificate from any circuit judge that he does not have a copy of the latest edition or revision of the statutes of Kentucky, or does not have the latest edition or revision of the Kentucky Codes of Practice, or that his copy of the Revised Statutes or Codes has been lost, mutilated or torn, the State Librarian shall furnish to the circuit clerk for the use of the circuit judge a new copy of any edition of the Revised Statutes or the Codes of Practice needed or requested by the circuit judge, whether published by the State or privately published, and shall furnish from time to time any supplement issued to the statutes or codes so needed or requested. The Librarian shall certify the cost of any such book to the Department of Finance, which shall issue its warrant on the State Treasurer for the amount, payable out of the general fund.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Sidney Baer	Otto W. Goff	E. F. Prichard
Levi Baker	C. J. Holsclaw	Lilburn S. Rogers
C. E. Baumgardner	Richard R. Houpt	Glenn Rushing
Fred Beshear	Ira W. Hulette	Chas. L. Spillman
Chas. J. Bronston	Laban P. Jackson	John C. Watts
Chas. W. Burnley	Ed Marcum	Rodney Whitlow
Horace T. Cull	Archie R. Moore	
G. I. Drury	J. H. Polsgrove	—22

Those who voted in the negative were—

Jason Alford	J. Ernest Jones	Amos Runyan
Bernhardt Bauer	Harry K. Lowman	LeRoy Saylor
George I. Cline	W. E. McClure	James J. Shannon
Robert Collins	C. D. Moberly	Paul E. Shannon
Everett T. Cooper	Walter Moorman	Geo. W. Steinfeld
Kermit Dwyer	Fred H. Morgan	John M. Stumbo
Henry C. Hale	E. C. Mullins	G. C. Thornton
James P. Hanratty	Joe E. Nunn	Wilford S. Travis
Carson Hibbitts	Harmon S. Overby	Morris Weintraub
E. R. Hilton	Ottis Roberts	Geo. F. Williamson
Kerby Jennings	F. L. Robinson	Charles W. Wirsch
Paul S. Jonas		—34

And so said bill was rejected.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 118. An Act abolishing the position of deputy constable, except in counties containing cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 70.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The appointment of deputy constables shall be authorized only in counties containing cities of the first class. In such counties each constable may appoint one or more deputies by and with the consent of the county judge. The constable and his surety shall be liable on his bond for all the acts and omissions of his deputies. Deputies constables must be residents of the same district as the constable by whom they are appointed.

(2) Deputy constables may be removed at any time, for any cause deemed sufficient by the constable, by order of the county court, entered after the filing of a written direction by the constable.

(3) Each deputy constable appointed pursuant to this section shall be exclusively compensated for the performance of the duties of his office by a salary of \$2100 per annum, to be paid in equal monthly installments out of the county treasury.

§ 2. This Act shall take effect on January 1, 1950.

Mr. Cross offered the following amendment to said bill, viz.:

Amend printed copy of Senate Bill No. 118 on page 2, Section 2, by striking all of Section 2.

Said amendment to said bill was agreed to.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Levi Baker	Richard R. Houpt	Ottis Roberts
C. E. Baumgardner	R. N. Hubbard	F. L. Robinson
Fred Beshear	Ira W. Hulette	Amos Runyan
Chas. W. Burnley	Laban P. Jackson	Glenn Rushing
Earl W. Christian	Kerby Jennings	LeRoy Saylor
Robert Collins	J. Ernest Jones	James J. Shannon
Perry M. Cross	Harry K. Lowman	Chas. L. Spillman
Horace T. Cull	W. E. McClure	John M. Stumbo
Owen Deering	E. H. Martin	G. C. Thornton
Kermit Dwyer	C. D. Moberly	Wilford S. Travis
Otto W. Goff	Davis Moore	John C. Watts
Henry C. Hale	Walter Moorman	Morris Weintraub
N. M. Hamilton	Fred H. Morgan	Rodney Whitlow
James P. Hanratty	E. C. Mullins	Geo. F. Williamson
Carson Hibbitts	Joe E. Nunn	Charles W. Wirsch
E. R. Hilton	J. H. Polsgrove	Mr. Speaker
C. J. Holsclaw	E. F. Prichard	—50

Those who voted in the negative were—

Jason Alford	G. I. Drury	L. W. Preston
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Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills of the following titles, viz.:

S. B. No. 345. An Act relating to financial assistance for the development of airports.

S. B. No. 317. An Act relating to the holding of real estate by a religious society; amending subsection (1) of Section 273.090 of the Kentucky Revised Statutes.

S. B. No. 285. An Act prescribing the time within which appeals shall be taken to the Court of Appeals from judgments and appealable orders of circuit courts involving questions arising under the planning and zoning laws of this Commonwealth.

S. B. No. 160. An Act repealing and re-enacting Section 117.210 Kentucky Revised Statutes, 1946 Edition.

S. B. No. 143. An Act relating to the powers of certain officers to administer official oaths and to take acknowledgments.

S. B. No. 127. An Act relating to civil suits brought against the Commonwealth of Kentucky pursuant to resolutions of the General Assembly, whereby comments appraising the jury of the existence of the resolution are forbidden and penalized.

S. B. No. 289. An Act relating to the destroying, breaking, tearing down, writing upon, marring, handling or carrying away of any rock, wall, or other formation within any cave exhibited to the public as a natural attraction, without the consent of the owner.

S. B. No. 239. An Act relating to corporations.

S. B. No. 344. An Act relating to merger of independent school districts with county school districts.

S. B. No. 1. An Act making an appropriation for the purpose of recovering and providing for the burial of the bodies of those men who were killed in the Straight Creek Coal Mine disaster on or about December 26, 1945.

S. B. No. 85. An Act amending Subsection (3) of Section 90.320 of the Kentucky Revised Statutes, relating to civil service in cities of the second class.

S. B. No. 205. An Act relating to the Highway Board of Claims, with particular reference to the time of holding meet-

ings; amending section 176.300 of the Kentucky Revised Statutes.

S. B. No. 13. An Act amending Subsection (5) (h) of Section 341.050 of the Kentucky Revised Statutes.

S. B. No. 66. An Act amending Subsection (2) of Section 89.590 of the Kentucky Revised Statutes, relating to the City Manager Form of Government for Cities.

S. B. No. 63. An Act relating to the publication of ordinances in cities of the second class operating under the city manager form of government.

S. B. No. 319. An Act for the consolidation of the offices of sheriff and jailer in counties containing a city of the first class.

S. B. No. 320. An Act providing for the use, operation and administration of jails in counties containing a city of the first class.

S. B. No. 322. An Act providing for the parole of persons confined in the workhouse or penal farm for counties containing a city of the first class.

S. B. No. 223. An Act relating to motor vehicles, with particular reference to the granting of operators' licenses.

S. B. No. 293. An Act to amend Section 64.150 relating to fees of jailers.

S. B. No. 247. An Act relating to the sheriff's county revenue bond, providing for payment of premium on such bond by the county where the sheriff executes a bond with corporate surety.

S. B. No. 321. An Act providing for the acquisition, use, operation and administration of a workhouse or penal farm in counties containing a city of the first class.

Thereupon all other business was suspended, said bills were each and severally read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills of the following titles, viz.:

H. B. No. 53. An Act to amend and to re-enact Section 229.080, Kentucky Revised Statutes, relating to the granting of exemptions from the payment of tax and license fees for the holding of certain athletic exhibitions.

H. B. No. 72. An Act relating to the manner of operation of aircraft above cities, including penalty.

H. B. No. 99. An Act relating to boxing and wrestling, with special reference to the age at which a person may participate in a professional boxing or wrestling match.

H. B. No. 133. An Act to provide for the compensation to the owners of domestic rabbits for destruction or injury by dogs, by amending KRS 258.010 so as to include domestic rabbits in the definition of "livestock".

H. B. No. 135. An Act relating to Revenue and Taxation, repealing and re-enacting KRS 132.190, as modified by the elimination of a provision relating to the situs of intangible personal property.

H. B. No. 226. An Act relating to alcoholic beverage control, with particular relation to qualifications for licenses.

H. B. No. 297. An Act relating to taxes upon production of crude petroleum; state and county, amending KRS 137.120.

H. B. No. 471. An Act relating to the working of prisoners outside of the walls of the prison; amending KRS 197.140.

H. Res. No. 74. A Resolution urging the Congress of the United States to appropriate the funds necessary for the maintenance by the United States Engineers of all levies, seawalls or flood protection walls which have been or may hereafter be erected by the Federal Government or by municipalities for protection against the ravages and damages caused by the rising of the Ohio River and its tributaries.

H. Res. No. 75. A Resolution to His Excellency the Governor of the Commonwealth of Kentucky.

H. B. No. 47. An Act relating to the employment and compensation of county road employes, amending Section 179.110 of the Kentucky Revised Statutes.

H. B. No. 221. An Act relating to the operation of a business enterprises program for the blind.

H. B. No. 261. An Act providing compensation, transportation and subsistence while in active field service with the Kentucky National Guard.

H. B. No. 301. An Act relating to the qualifications of members of the police and fire departments of cities of the second or third class.

Thereupon all other business was suspended, said bills were each and severally read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills and resolutions of the following titles, viz.:

S. B. No. 118. An Act abolishing the position of deputy constable, except in counties containing cities of the first class.

S. B. No. 189. An Act relating to the city-county board of health for cities of the first class and counties containing such cities.

S. B. No. 296. An Act relating to city-county airboards in counties containing a city of the first class.

S. B. No. 255. An Act relating to police court judge and police court judge pro tem in cities of the first class.

S. B. No. 120. An Act relating to poultry and eggs; including provisions regulating the importing, sale and hatching of poultry, the sale of eggs, and the labeling of poultry and hatching eggs; requiring permits or licenses; imposing penalties; providing for administration and for the making of regulations; and for a revolving fund for administration purposes.

S. B. No. 181. An Act regulating the propagation and keeping of bees, the suppression of contagious diseases among

bees, providing for the registration and regulation of apiaries; and repealing Chapter 252 of the Kentucky Revised Statutes.

S. B. No. 91. An Act relating to the compensation of stenographers of county judges.

S. B. No. 203. An Act to amend Sub-section (2) of Section 69.110 of Kentucky Revised Statutes pertaining to district detectives in counties containing cities of the second class.

S. B. No. 164. An Act relating to the establishment of group plan insurance for employes of cities and their boards and commissions.

S. B. No. 158. An Act to regulate the practice of Chiropody.

S. Res. No. 23. A Joint Resolution authorizing Ancil Smith and Maud Smith, of Harlan County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. No. 47. A Resolution authorizing E. H. Marhoefer, Jr., Company to sue the Commonwealth of Kentucky; authorizing a compromise or settlement of such claim or suit; and providing for the payment of any judgment obtained or the amount of any settlement agreed upon.

S. Res. No. 62. A Joint Resolution authorizing the payment of a claim of Chris H. Glanz, Jr., of Louisville, Kentucky, against the Commonwealth of Kentucky.

S. Res. No. 63. A Joint Resolution providing for the payment of per diem to the Assistant Clerk and the Chief Clerk of the 1944 First and Second Extraordinary Sessions of the General Assembly of Kentucky.

S. Res. No. 65. A Joint Resolution authorizing the personal representative of Bernard J. Berghaus, deceased, to sue the Commonwealth of Kentucky.

S. Res. No. 38. An Act to amend Section 75 of the Criminal Code of Practice, relating to bail after conviction and pending appeal.

S. B. No. 268. An Act to revise and perfect the Kentucky Revised Statutes and the Codes of Practice by repealing certain provisions that have been impliedly repealed or have become obsolete.

S. Res. No. 25. A Joint Resolution authorizing H. L. Wilkerson of Dixon, Ky., to sue the Commonwealth of Kentucky.

S. Res. No. 41. A Joint Resolution authorizing Clayton Henry, of Index, Morgan County, Ky., to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 32. A Joint Resolution authorizing J. V. Kelley, of Salyersville, Ky., to sue the Commonwealth of Kentucky.

S. B. No. 332. An Act relating to budget and financial administration of the State Government, with particular relation to revolving, trust and agency funds; amending KRS 45.140 of the Kentucky Revised Statutes.

S. Res. No. 61. A Joint Resolution authorizing payment of the claim of Claud Duff, Sheriff of Owsley County, for services rendered in the return of a fugitive from justice, and making an appropriation for the purpose.

S. B. No. 38. An Act to amend Section 75 of the Criminal Code of Practice, relating to bail after conviction and pending appeal.

S. B. No. 14. An Act relating to taxation by cities.

Thereupon all other business was suspended, said bills and said resolutions were each and severally read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills and said resolutions be delivered to the Enrolling Clerk of the Senate.

The Speaker vacated the chair and designated Mr. McClure as Speaker Pro Tem.

Mr. John C. Watts moved that the Speaker Pro Tem appoint a Committee of the House to wait upon the Senate and inform that body that the House has now completed the business before them and request the Senate to appoint a like Commission on the part of the Senate to wait upon the Governor and inform him that the House and Senate, composing this General Assembly of Kentucky, have completed the business before them and are now ready to adjourn sine die, and to inquire whether the Governor has a further communication to make.

Said motion was agreed to.

Thereupon the Speaker Pro Tem appointed Messrs. Tinsley, John C. Watts, Burnley, Moorman, Drury, Prichard, Cline and Beshear as members constituting said Committee.

After a time the Committee aforesaid reported that they had discharged the duties imposed upon them and that they had been informed by the Governor that he had no further communication to make.

Mr. McClure, Speaker Pro Tem, vacated the Chair and the Speaker resumed the Chair and presided.

The Journals of the House were then read and compared and approved by the House.

And then the House adjourned sine die.

Approved:

T. Herbert Tinsley
Speaker, House of Representatives

Attest:

Byron Royster
Chief Clerk, House of Representatives

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To

HOUSE JOURNAL

REGULAR SESSION

of the

GENERAL ASSEMBLY

1948

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